



INSTITUTE FOR YOUTH,  
EDUCATION, AND FAMILIES



# **Toward an Expanded City Role Supporting Youth in the Deep End of the Juvenile Justice System**



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## **About the National League of Cities**

The National League of Cities (NLC) is the voice of America's cities, towns and villages representing more than 280 million people across the country, working to strengthen local leadership, influence federal policy and drive innovative solutions.

NLC's Institute for Youth, Education, and Families (YEF Institute) helps municipal leaders take action on behalf of the children, youth, and families in their communities. NLC launched the YEF Institute in January 2000 in recognition of the unique and influential roles that mayors, city councilmembers and other local leaders play in strengthening families and improving outcomes for children and youth.

## **Acknowledgements**

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# Introduction

**A**mong the many population groups in a city, the dozens to hundreds of young residents sent to spend time in secure juvenile facilities each year – or at risk of getting sent there – deserve updated attention. Youth with sustained involvement in the juvenile justice system face serious challenges to making the normal developmental progress that helps cities thrive – for instance, with steps such as completing schooling, getting jobs, and living independently. Their presence may also represent tangible costs for cities, in terms of additional police contact and inability to contribute to the tax base. For the growing number of city leaders advocating an equity agenda, the ongoing highly disproportionate juvenile justice system involvement of young people of color adds on to other concerns about systemic issues.

In this light, in partnership with county and state officials, mayors and other city leaders have multiple opportunities to join in pursuit of the goal of minimizing out-of-home placement for juvenile offenders. Realizing this goal offers the best prospects for long-term success of youth and the neighborhoods where those youth live.

Several National League of Cities' publications have already pointed to ways that city police departments can [take the lead](#) in diverting more young people from the “front end” of the juvenile justice system. In parallel, having cities take up larger roles to assure sufficient community-based services will provide at-home options for young people at the “deep end” of the system, including those facing

charges and those re-entering from out-of-home placement.

As context on the “deep end” of the system: Following a 50% drop in the nationwide number of youth in secure placements from 1999 to 2015, some 30,000 youth per year still enter such placements, due to a court disposition for a new offense, or violations of probation. Most sentences last less than one year, resulting in significant “churn” of formerly incarcerated young people back into their home neighborhoods.

Because confining youth produces negative outcomes for the young people themselves and often leads to greater recidivism,<sup>1</sup> ultimately making communities less safe, the Annie E. Casey Foundation has charted six areas of reform needed to reduce placement numbers even further and complete the tilt toward providing services to youth who remain at home. Whereas four of the six areas reside within the purview of county and state governments, two remain susceptible to policy action by cities: Community-based services and supports, and reentry supports.

This brief sketches the landscape in which juvenile justice-involved youth travel, as well as the steps that city leaders can uniquely take to populate that landscape with more high-quality and effective supports and services. The brief lists questions city leaders may use to review the degree to which current city policy supports all youth including those involved with juvenile justice



and recommends areas for strengthening policy and practice.

In addition to contributing to robust networks of supports and services, including some services targeting deep-end youth, city leaders have other relevant roles to take up as well. These include publicly committing to help support the population; formalizing partnerships with juvenile courts and probation agencies; and announcing, publicly tracking, and periodically revisiting citywide goals for positive youth outcomes and reduced recidivism. With these steps, cities can more actively join the two-decade trend toward providing services locally, as a more effective, more humane, and ultimately lower-cost approach.

**A note for city leaders:** For a recent thorough set of recommendations aimed at shrinking and refocusing probation for greater effectiveness, see *Transforming Juvenile Probation: A Vision for Getting it Right* (Annie E. Casey Foundation, 2018). Notably,

principles highlighted in *Transforming*, such as relying on rewards and incentives rather than punishment, also have great relevance for youth at the deep end of the system.

A note for the juvenile justice field: Whereas this document targets a municipal leader audience, those across the juvenile justice field may find it useful to consider how best to engage cities as full partners for the benefit of youth at the deep end of the system. For instance, expanded city involvement can help address issues such as judges seeing a need to sentence youth to placement to obtain certain kinds of treatment and services, which could just as well have been provided close to home.

# What Do City Leaders Need to Know about Deep-End Youth?

Understanding the size, dimensions, and current frameworks for issues involving juvenile justice-involved youth will help municipal leaders and partner agencies move toward tailored responses of sufficient scale. This section focuses on youth who currently receive placements as the target population of youth who could otherwise be served (on probation) at home with increased city services.

- **Scale:** An estimate of the scale of the population comes from 2015 figures (the latest available): The vast majority of the 30,968 youth serving out commitments that year<sup>2</sup> returned to their cities and towns of origin, since residential programming typically lasts from three to nine months.
- **Offenses:** More than half of youth removed from home in 2015 faced non-violent charges, including technical violations of probation (15%), non-criminal offenses such as skipping school (5%), property-only offenses (23%), and other minor, non-violent offenses.<sup>3</sup>
- **Age:** Some 85% of young people in residential placement remain under 18 years of age. Depending on state laws, the age of the remaining 15% could range up to 21 to 24.
- **Disparities:** Severe racial, ethnic, and other disparities persist throughout the juvenile justice system. Youth of color constituted 67% of those in placement in

2015,<sup>4</sup> and youth who identify as LGBTQ also constitute a higher portion than in the general public.

- **Education status and access at reentry:** Low rates of high school completion and high rates of learning differences appear across the population of youth returning from out-of-home placements. Currently, barriers such as poor transition planning, school system policies that restrict justice-involved youth from returning to their home schools, and low-quality education in facilities keep an estimated two-thirds of youth from returning to school after release from detention or placement<sup>5</sup>.
- **Trauma, system involvement, diagnoses:** Many system-involved youth have histories of significant trauma as well as “crossover” involvement with the child welfare system, and high rates of co-occurring mental health and substance use disorders. Spending time in placement or detention runs the risk of causing additional harm. In addition to traumatic separation from family that affects all incarcerated youth, investigations document [high rates of maltreatment](#) of youth in juvenile facilities, including [sexual abuse](#), physical abuse, and solitary confinement.
- **Housing instability:** The risk of experiencing homelessness after release from facilities may run [high](#) in part because [laws permit](#) public housing authorities to take juvenile adjudications into account when determining a family’s



eligibility.<sup>6</sup> Local quality-of-life ordinance enforcement can also contribute to [criminalization of youth homelessness](#) and lead to cycling in and out of jails or youth detention facilities.

- **Long-tail effects of records:** Records of juvenile justice system involvement remain less effectively sealed than commonly thought, carrying the risk of limiting education, job, and housing options at reentry and well beyond.
- **Re-entry plans and supervision status:** Current practice calls for juvenile facilities to craft individualized reentry plans; the quality of these plans and their strength of connections to local services varies widely and may need upgrading. Commonly, leaving placement involves a step-down to community supervision, in the form of assignment to the juvenile probation, parole, or aftercare system, raising important questions about the quality of

such supervision and the effectiveness of referrals and linkages to local services.

Additional issues likely affecting youth at the deep end of the system (but less well documented as to research on effects) include: 1) the potential to experience intra-family strains causing challenges to reintegrating into family life; and 2) high demands on services in particular neighborhoods where system-involved young people live due to differential patterns of arrest and conviction and residential segregation.

# How Can Cities Lead and Contribute to Effective Services for Deep End Youth?

Given the scale and issues noted above, city governments and their leaders can make many contributions to ensuring an effective network of services and support for the most heavily juvenile justice-involved youth. Cities that explicitly extend services to youth with deeper involvement in the juvenile justice system – avoiding any tendency to assume the juvenile justice system has the capacity or will provide such services – stand to benefit from improved outcomes among those youth. Adopting one or more current service frameworks provides important guidance for cities building networks that provide broadly applicable as well as targeted services. Another key step involves requiring the use of data indicators that discern whether programs serve youth with the greatest needs rather than the youth most likely to succeed.

■ **Ensure comprehensive service plans, services, and supports:** Municipal leaders should pursue partnerships with the relevant state or county juvenile justice agency built around a clearly stated set of goals. For instance, a comprehensive, individualized service plan should accompany each young person diverted from residential placement or returning from a placement, and that plan should include clear delineation of responsibility for services, support, and monitoring. Such plans should proceed from a sense of the strengths and assets of the young person and get developed in concert with families and the youth themselves.

To describe the breadth of a sound plan, the Federal interagency [Youth.Gov](#) website summarizes that “the literature confirms that successful reentry plans, services, and supports should address at least these five issues: Family, substance abuse, peer association/friends, school conflict and achievement, and mental-behavioral-physical health.” To this list of five elements, consider adding: housing, education up to and through postsecondary credentialing, vocational training and employment, arts, civic engagement and leadership development, and leisure time and recreation.<sup>7</sup>

Notably, this range of issues also provides a template for a thorough plan for handling youth issues in the community rather than secure placement. As an additional helpful point of reference, Robert Schwartz recently provided a brief restatement of a developmentally-oriented approach to juvenile probation, including principles offered by Professor Naomi Goldstein.<sup>8</sup>

■ **Effectively operationalizing services and supports for reentering and deep-end youth:** For guidance as to how to operationalize services and supports most effectively, city leaders and their partners may look to the model that juvenile justice experts David Altschuler and Shay Bilchik call “overarching case management.”<sup>9</sup> This “approach provides youth with a systematic continuity of care throughout the phases of the reentry continuum” and





can apply to young people diverted from placement as well. For youth on probation, this approach to case management can follow Transforming Juvenile Probation (cited above) to emphasize counseling, skill building, incentives rather than sanctions, and restorative justice over surveillance and re-commitment for technical violations. Another way to ensure delivery of this approach involves city leaders – with partners such as the juvenile court and probation agency – organizing a network of services, supports, and opportunities radiating out of a hub case management organization.

More generally, adopting the restorative justice approach provides a useful option that ensures accountability and engages victims while also keeping deep end youth in the community. The Civic Justice Corps provides one example of the experience base and outcomes for this approach, as do a few other locally-developed programs.<sup>10</sup>

One more consideration warranting partnerships with workforce boards and community colleges: considerable relevant experience has developed from US Department of Labor Second Chance Act-supported programs and Right Turn mentoring efforts.<sup>11</sup> Within the full set of Workforce Investment Act-supported services, it is essential for cities to leverage relationships with local workforce boards to target and incentivize getting services to youth at the deep end of the system, to avoid any “creaming” within the population. As a regional representative of the department recently noted at a public convening, the difficulty and length of time it can take to get outcomes for these at-risk target populations should not be used as a reason for not serving them.<sup>12</sup>

■ **Measuring Success- the What and How:**

In order to gauge the progress brought about by providing services for heavily juvenile justice-involved youth (or lack thereof), city leaders and their partners

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do well to adopt a recommendation from Professor Jeffrey Butts: utilize a measurement framework that describes improvements in pro-social activities and behaviors of young people, rather than falling back on the dominant emphasis on reducing recidivism. The new approach would help city leaders understand the progress and success of community-based supports and services, through attention to items such as the following.

- ▶ Number/strength of pro-social involvements and healthy relationships;
- ▶ Rate/frequency of participation in structured activities such as out-of-school time programs,
- ▶ Intensity of academic engagement and progress (e.g., aspirations, goals, grades, credit accumulation), and
- ▶ Level of readiness for successful labor market experiences, or connection to training or stable employment.

Additional measures to consider measuring include residential stability, social integration into family and community systems of care, and mastery of life skills for greater self-efficacy.<sup>13</sup>

Importantly, Butts' proposed measurement framework also takes [desistance](#) into account. This term describes the very typical marked pattern of declining criminal behavior in early adulthood. Keeping desistance in mind leads to a more realistic measure of the low future risk to public safety that most youthful offenders pose.

## What Initial Steps Should Cities and City Leaders Take to Strengthen Outcomes for Deep End Youth?

Initial steps for cities and city leaders toward more effective community-based services for the most heavily juvenile justice-involved youth, whether reentering or as alternatives to placement, emerge in several areas.

■ Get to know the local landscape of initiatives, relevant structures, and key players better by seeking answers to questions such as:

- ▶ Do means exist to coordinate city policy and initiatives with the presiding juvenile court judge and juvenile probation agency leader, such as a criminal justice coordinating council? If not, what leadership steps could the city/mayor take to launch regular meetings with these justice system leaders as a step toward coordination?
- ▶ What's the reach and impact of existing services that explicitly engage youth at the deep end of the system, including youth at the point of reentry from the system?
- ▶ Have the city and its juvenile justice system partners (often at county or state level) built consensus around a set of common developmental goals for all adolescents, including youth at risk of going to or with experience in secure placement?

■ Commission a data analysis to provide a basic understanding regarding numbers/

trends and makeup of the juvenile justice-involved youth population, in terms of:

- ▶ Total number and breakdown by category of youth facing adjudication that could result in placement, absent additional or targeted community-based services;
- ▶ Total number and breakdown by category of youth returning from placements to residences in the city, and
- ▶ Breakdowns of aggregate data to include race, ethnicity, gender identity, home residential address, and assessed behavioral health issues.

■ Undertake an analysis of local assets and gaps for providing services and supports to deep end youth:

- ▶ Apply one or more of the services frameworks described above to local data to determine the current landscape of services and supports for reentering youth, including 1) whether sufficient to meet the yearly flow/trends and ongoing needs, and 2) geographic or other equitability of distribution of services.
- ▶ See also Appendix I Mapping capacity and Gaps in Reentry Services for Youth

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- Analyze the extent to which any current resources and services target or incentivize participation of deep-end youth.
    - ▶ Scan and add city contract or grant language to require tracking and reporting of level of system involvement among youth receiving services.
    - ▶ Engage young people in assessing resources and services, and identifying needs.
    - ▶ Remove incentives for service providers to focus on youth most likely to succeed and/or attend the program, in favor of incentives to work with hard to serve and deep-end youth.
  
  - Undertake city-level planning to build on assets and fill gaps in services and supports commensurate with needs, and to set goals for better youth outcomes based upon increases in pro-social activities and behaviors.
    - ▶ Target services to the locations of greatest need, including in neighborhoods with high numbers of deep-end youth.
    - ▶ Realign and reinvest funds toward high-needs neighborhoods.

## **Looking Forward**

City leaders who want to make an impact on public safety do well to focus more attention, services, and supports on the relatively high-need population of youth heavily involved with the juvenile justice system. In doing so, they also join the national trend to improve youth outcomes and preparation for adulthood, save taxpayers money, more appropriately account for the needs of crime victims, and stave off further harm to youth. In the near term, the National League of Cities remains eager to document examples of cases in which city leaders step out on behalf of such youth, and to make introductions to leading counties as partners and exemplars.

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## Appendix I: Mapping Capacity and Gaps in Services for Youth at the Deep End of the System

Effectively mapping and analyzing current capacity and gaps in community-based services involves: 1) asking city agencies and community-based service providers to describe current reach and impact of services for youth returning from detention or residential placement; 2) asking juvenile justice agencies to quantify needs; and 3) examining current use of targeting and incentives within programs and funding streams.

Within the categories provided by the Youth.Gov framework, examples of service providers that may offer services to re-entering youth include:

- workforce training or jobs programs for youth
- education, tutoring, and college preparation programs
- restorative justice programs
- runaway and homeless youth service providers
- mentoring and youth advocacy organizations, specifically those that engage people with lived experience (credible messengers)
- after-school providers and associations
- services that promote healing and address trauma
- mental health providers accessible to youth without private health insurance
- substance abuse treatment providers accessible to youth without private health insurance
- creative or arts programs that serve youth
- youth sports programs organizations
- leadership development and youth voice organizations
- civic engagement and community service programs
- family and parenting support organizations

In addition to the juvenile justice agency, complementary sources of data regarding extent of needs include the local education agency, public health department, child welfare agency, public housing authority, and indigent legal defense agency.

## Endnotes

- 1** Researchers found that “youth who are incarcerated are more likely to recidivate than youth who are supervised in a community-based setting, or not detained at all. A study of youth incarcerated in Arkansas found not only a high recidivism rate, but that the experience of incarceration is the most significant factor in increasing the odds of recidivism. Sixty percent of the youth studied were returned to the Department of Youth Services (DYS) within three years. The odds of returning to DHS increased 13.5 times for youth with a prior commitment, which was more than carrying a weapon (3.3 times), gang membership (2 times) or poor parental relationship (0.6 times). In Texas, researchers found that young people in community-based placement are 14 percent less likely to participate in illegal behavior than youth that have been incarcerated. Researchers found that in 63.4 percent of 443 studies about the juvenile justice system, young people who received interventions emphasizing community-based treatment and other alternatives to incarceration were less likely to recidivate than those who did not receive an intervention. For example, 32 to 37 percent of young people given employment and behavioral programs were estimated to recidivate, as compared to a 50 percent recidivism rate for the group of youth not given this intervention. Studies of recidivism from large residential correctional facilities, including training.” “The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense” Justice Policy Institute, [http://www.justicepolicy.org/images/upload/09\\_05\\_REP\\_CostsOfConfinement\\_JJ\\_PS.pdf](http://www.justicepolicy.org/images/upload/09_05_REP_CostsOfConfinement_JJ_PS.pdf) (May, 2009)
- 2** Sickmund, M., Sladky, T.J., Kang, W., & Puzanchera, C. (2017). “Easy Access to the Census of Juveniles in Residential Placement.” <http://www.ojdp.gov/ojstatbb/ezacjrp/>
- 3** Ibid
- 4** Ibid
- 5** “Reentry Myth Buster.” Federal Interagency Reentry Council, [http://csqjusticecenter.org/wp-content/uploads/2012/11/Reentry\\_Council\\_Mythbuster\\_Youth\\_Access\\_Ed.pdf](http://csqjusticecenter.org/wp-content/uploads/2012/11/Reentry_Council_Mythbuster_Youth_Access_Ed.pdf) (January 2017)
- 6** Shah, R. and Strout, J. “Future Interrupted: The Collateral Damage Caused by the Proliferation of Juvenile Records.” (February 2016). <https://juvenilerecords.ilc.org/juvenilerecords/documents/publications/future-interrupted.pdf>. Further, “A juvenile adjudication, especially for a drug or sex offense, may foreclose the entire family from seeking public housing. Following the passage of the National Affordable Housing Act, the United States Supreme Court upheld Public Housing Authorities’ abilities to evict residents based on the offenses of their relatives.<sup>74</sup> Public Housing Authorities are permitted to consider juvenile adjudications in determining whether families are eligible, 75 so in some cases, the family can only receive housing if the adjudicated juvenile is not allowed to live with them.” “Addressing the Intersections of Juvenile Justice and Youth Homelessness: Principles for Change.” Coalition for Juvenile Justice, <http://www.jujustice.org/sites/default/files/resource-files/CJJ%20Executive%20Summary.pdf>
- 7** Nellis, A. and Wayman, R. “Back on Track: Supporting Youth Reentry from Out-of-Home Placement to the Community.” Youth Reentry Task Force of the Juvenile Justice and Delinquency Prevention Coalition, [http://www.njjn.org/uploads/digital-library/resource\\_1397.pdf](http://www.njjn.org/uploads/digital-library/resource_1397.pdf)
- 8** Schwartz, R. (May 7, 2018). “Juvenile Probation Needs to Join 21st Century with Developmental Approach.” <https://jiiie.org/2018/05/07/juvenile-probation-needs-to-join-21st-century-with-developmental-approach/comment-page-1/>
- 9** The approach supports implementation of “six critically important programmatic functions in day-to-day practice: Assessment of risk of reoffending, strengths, and needs; Cognitive-behavioral interventions; Family engagement; Release readiness; Permanency planning; and staffing and workforce competencies.” Bilchik, S. and Altschuler, D. “Critical Elements of Juvenile Reentry in Research and Practice.” <https://csqjusticecenter.org/wp-content/uploads/2014/04/4.18.14>
- 10** For more on the Civic Justice Corps model and experience, see <https://corpsnetwork.org/past-programs/> and for example, [http://www.nyc.gov/html/yji/downloads/pdf/nyc\\_justice\\_corps.pdf](http://www.nyc.gov/html/yji/downloads/pdf/nyc_justice_corps.pdf).
- 11** For more on Second Chance Act and Right Turn models and experience, see <https://csqjusticecenter.org/nrrc/projects/second-chance-act/>, <https://www.ojdp.gov/enews/16juvjust/160922b.html>, and [iel.org/rightturn](http://iel.org/rightturn).
- 12** Recent US Department of Labor guidance clarifies that DOL understands that local areas may incur higher costs per youth/young adult trainee in WIOA programs, and that providing quality services may take longer. For instance, see TEGL 08-15 at [https://wdr.doleta.gov/directives/attach/TEGL/TEGL\\_08-15.pdf](https://wdr.doleta.gov/directives/attach/TEGL/TEGL_08-15.pdf) and TEGL 10-13 at [https://wdr.doleta.gov/directives/attach/TEGL/TEGL\\_10\\_13.pdf](https://wdr.doleta.gov/directives/attach/TEGL/TEGL_10_13.pdf).
- 13** Butts, J., Pelletier, E., & Kazemian, L. (February 1, 2018). “Positive Outcomes: Strategies for Assessing the Progress of Youth Involved in the Justice System” <https://johnjayrec.nyc/2018/02/01/positiveoutcomes2018/> and Nellis.

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