

Stakeholders' Views on the Movement to Reduce Youth Incarceration

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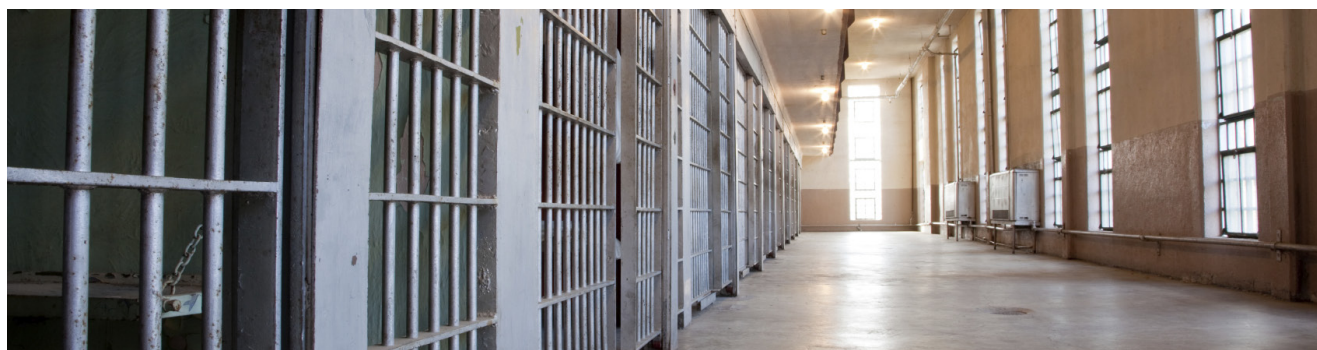
This publication is part of an eight-part series of information sheets and reports developed from a national study on deincarceration conducted by the National Council on Crime and Delinquency. The complete series, along with a ninth piece containing notes and resources, can be found here: <http://nccdglobal.org/what-we-do/our-focus-areas/juvenile-justice/deincarceration-reports>

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NCCD promotes just and equitable social systems for individuals, families, and communities through research, public policy, and practice.

Introduction



Youth incarceration rates have changed dramatically over the past 10 years. Following two decades of “tough-on-crime” policies and steep surges in juvenile incarceration during the 1980s and 1990s, the field is now seeing sharp reductions in youth confinement. The latest data from the US Justice Department showed that the rate of youth in confinement dropped 41% between 2001 and 2011. Since 2001, 48 states have experienced such a decline. Several states cut their confinement rates by half or more. Juvenile facilities have closed in a dozen states, with more than 50 facilities closing in the past five years alone.

The National Council on Crime and Delinquency (NCCD) decided to seek the opinions of system stakeholders regarding these changes. These stakeholders included advocates who successfully pressured their local systems to adopt reforms; the majority of study participants work inside the system as judges, probation chiefs, probation officers, directors of child welfare agencies, elected officials, and district attorneys (see *Study Methods for the NCCD Deincarceration Project* for a detailed description of respondents). Through interviews and listening sessions, these system stakeholders expressed their beliefs that declining youth crime and rising costs were key drivers of the current trend. Additionally, respondents said that many of these successes were driven by successful legislation, innovative incentives built into state budgets, decisions to place youth

close to home, and supervision strategies that rely on positive relationships between youth and their families.

Given what study respondents have accomplished from within the system to change the day-to-day practices tied to youth supervision and placement, this study captures the hope these leaders have for the field of juvenile justice. One advocate and provider from the Northeast described the deincarceration trend as being “a dream come true for me.” Another advocate from the West said, “I don’t think anybody wants to go the other direction. I never hear anybody say ‘let’s build more state facilities.’ Nobody wants to do that.” According to those interviewed for our study, movement toward what might be considered true juvenile justice has begun.

At the same time, many challenges remain. While the total number of incarcerated youth has declined in many states, higher proportions of youth of color are in out-of-home placements and secure facilities. Moreover, communities lack adequate funding to develop sustainable and culturally relevant infrastructures that can serve youth and their families outside of government agencies.

This is not the time for supporters of juvenile justice reform to become complacent. Rather, it is time to learn from the most promising jurisdictions and deepen reforms.

The Study

From June 2012 through June 2013, NCCD asked juvenile justice stakeholders to describe how youth incarceration was reduced in their jurisdictions. We spoke to more than 140 experts through 30 interviews, five state-based listening sessions, and a national convening. We also collected and analyzed longitudinal county-level data to measure disposition changes between 2002 and 2012.¹ County data came from states where we conducted focus groups with stakeholders and states that are leaders in juvenile justice policy reform.

All individual and group sessions were transcribed, and the data were analyzed. After poring through hundreds of pages of findings to look for common themes, we chose to highlight five topics based on the goals of the project and the needs of the field. This report summarizes recommendations tied to the following research questions.

- Have all youth benefited from reforms over the past 10 years?

- How can legislation and state budgets fund deeper reforms?
- How can departments adopt successful placement policies that bring youth close to home?
- How can departments adopt successful supervision strategies developed by our respondents?
- How can jurisdictions incorporate youth, families, and communities into their reforms?

In addition, more detailed reports on each of the subjects have been developed. Particular reports, such as one regarding the most important components of reform legislation, have been developed for advocates. A report on developing successful placement and supervision practices, as well as a report on including families and youth, are both targeted toward the very system stakeholders we interviewed. The reports are short and intended to provide guidance for reformers interested in replicating the work that we highlight.



Disparate Benefits of Deincarceration

Clearly, the field of juvenile justice has reduced its reliance on state secure facilities. States like Alabama, California, Illinois, Michigan, New York, Ohio, and Texas report having fewer youth in their facilities. For example, the California Division of Juvenile Justice now houses 800 youth compared with 10,000 youth a decade ago.

Yet little detailed information has been published about the dispositions that youth continue to receive in reformed states. To address this, NCCD completed statistical analysis of county-level data from five counties that have worked on system reform. The intent was to measure whether youth were moved to less-restrictive settings and whether all youth benefited equally from the reforms. By analyzing county-level data, we were able to gain detailed individual-level data on demographic statistics, criminal histories, and court dispositions. We collected data from two years (2002 and 2012) in order to measure changes over time. The five counties—Summit County, Ohio; Alameda County, California; Dallas County, Texas; Jefferson County, Alabama; and Peoria County, Illinois—were selected because they represent different regions of the country, serve populations that vary across race and gender, and have the capacity to share individual-level data.

Girls Benefit Slightly More Than Boys

Statistical analysis of 2002 and 2012 data shows how dispositions have changed for boys and girls (see Figure 1 and Figure 2). Overall, girls represented 24% of youth receiving dispositions in 2002. In the five reformed sites we studied, this percentage dropped slightly to 21%.

Looking at the specific dispositions, a smaller proportion of boys and girls were on probation in 2012 compared to 2002. At the same time, the proportion of girls held in placement stayed the same while the proportion of girls sentenced to secure confinement grew from 1.9% to 4.5%. Comparatively, the proportion of boys in both placement and secure confinement grew, and the increases in secure confinement were larger for boys than for girls. The percentage of boys grew from 15.7% to 23.7%. These data suggest that compared to 2002, boys and girls who are currently in the juvenile justice system are more likely to receive sentences to secure facilities. At the same time, boys are more likely to be placed in out-of-home placements.

Figure 1: Dispositions for Boys and Girls, 2002

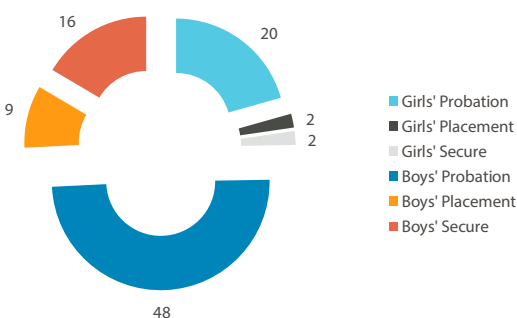
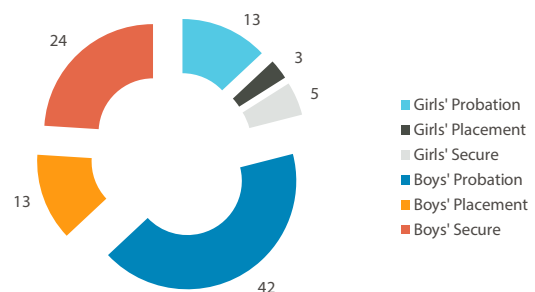


Figure 2: Dispositions for Boys and Girls, 2012



White Youth Benefit More

Statistical analysis also shows that over the past 10 years, racial and ethnic disparities have grown considerably. In 2002, White youth received 30% of dispositions in our five reformed counties. This percentage dropped to 18% in 2012.

Reviewing the data on specific dispositions helps to explain this growing disparity. Figures 3 and 4 show that while the percentage of White youth sentenced to secure facilities grew 3% over the past decade, the percentages of White youth placed outside their homes and on probation were halved. In 2002, 24.1% of White youth were sentenced to probation and 2.6% were sentenced to placement. This fell to only 11% of White youth sentenced to probation and 1.1% sentenced to placement in 2012. In stark contrast, while the proportion of youth of color sentenced to probation remained virtually the same, some sharp increases occurred in out-of-home placements, growing from 10% to 14% of dispositions. Additionally, while 12.4% of youth of color were sentenced to secure facilities in 2002, almost twice that number (22.4%) received such sentences in 2012. As the proportion of White youth remains low in secure facilities and has dropped in placement, youth of color now make up the majority of the population in confinement.

Figure 3: Dispositions for White Youth and Youth of Color, 2002

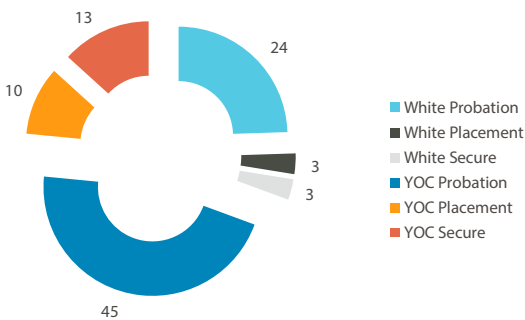
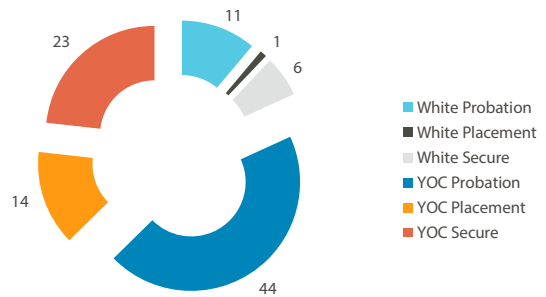


Figure 4: Dispositions for White Youth and Youth of Color, 2012



These results raise some important questions and call for a better understanding of why the percentages of youth sentenced to secure facilities increased. At the same time, these findings suggest that the strategies employed by reformers are moving White youth out of placement and probation while moving youth of color into placement and secure facilities in much larger numbers. This does not suggest starting over. Rather, the juvenile justice field should continue to make improvements to ensure that youth of color see the same gains as White youth. Recommendations for making improvements are detailed below.



Legislative Successes

Respondents cited past legislation as catalysts for how the juvenile justice system incarcerates youth. Examples included the Alabama Juvenile Justice Act, RECLAIM Ohio, Redeploy Illinois, California's SB 81, Michigan's County Juvenile Agency Act, New York's Close to Home initiative, and Texas' SB 103.

Study participants said that legislation containing the following goals helped states reduce their use of state secure facilities.

- Increase local control that moves supervision responsibilities for some youth from the states to county agencies.
- Provide funding streams and incentives to pay for these shifts in responsibility.
- Make categories of crimes such as misdemeanors and status offenses ineligible for incarceration in state facilities.
- Require juvenile justice systems to employ the best practices identified by research.
- Require placement of youth in the least-restrictive environments.

Legislative agendas could still, however, be improved. Study respondents recommended that reformers and advocates take the following actions.

Expand Federal Funding

The Obama administration's 2013–14 budget includes significant increases in funding streams that traditionally have supported services for young people when they return to their communities. Juvenile justice stakeholders from states that have used these funds in the past said that increasing the federal juvenile justice budget could help their communities

offer alternatives to youth incarceration along with the services all youth need to transition to adulthood.ⁱ Public opinion research has shown support for paying more in taxes for rehabilitative services for young people, especially when compared to youth incarceration.ⁱⁱⁱ

Develop Legislation That Reallocates Funds

When facilities close, the funds budgeted for these buildings can be reallocated to serve youth in the community. In 2011, the New York legislature suspended the 12-month waiting period previously required when the state decided to close a facility. This change made closures easier, freeing up funds more quickly for other investments in the system.^{iv} Ohio's HB 86 allowed savings from shorter lengths of stay in juvenile facilities to be reinvested in and used by the courts to enhance existing practices or develop new interventions.^v





Fund by ZIP Codes and Use Place-Based Approaches

Legislative approaches need to focus on targeting funds to the neighborhoods in which most justice system-involved youth live. These approaches could build upon efforts in New York, Louisiana, and Alabama that documented the ZIP Codes and home neighborhoods of young people in the juvenile justice system, resulting in higher spending on youth in those communities.^{vi}

Support Community-Based Organizations With Innovation Funds

Legislation to support deincarceration should carve out some portion of the designated funds to support youth locally through innovation funds for community-based organizations.

Specify Characteristics of Organizations in Legislation

Community-based organizations could be enumerated and shown preference when future legislation, budgets, or contracts that support juvenile deincarceration are developed. State statutes that authorize the membership of bodies that advise on juvenile justice spending could be amended to include community-based organizations.^{vii}

Use Performance Measures That Fit the Context of Community-Based Organizations

Legislation should include performance and outcome measures based on young people's strengths and needs in a manner that small, community-based organizations can capture. The research and evaluation center at John Jay College of Criminal Justice, City University of New York, is working to develop an evaluation system designed to address the challenges of smaller, grassroots nonprofit organizations.

Help Community-Based Organizations Access Funds

As legislation to develop or expand new funding streams is enacted, it should include technical assistance funds to help small, grassroots nonprofit providers access these funding streams. When the DC YouthLink initiative was developed, a \$400,000 fund was set up to help community-based providers prepare to engage with the new system and broaden the number and kind of community-based providers that could work with the system.

Include Community-Based Organizations, Families, and Youth

Some study participants raised concerns regarding the divide between parts of the reform constituency that work on legislative advocacy and the communities most impacted. One model that addresses these concerns is the Boys and Young Men of Color Initiative, which has developed a vast network of boys, young men, families of color, direct service providers, policy advocates, and legislators that aims to improve outcomes for boys and men of color. The Missouri Division of Youth Services Advisory Board is another model that actively recruits young people and family members impacted by the system.

Adopt Placement Strategies That Curb Incarceration



When young people are incarcerated, they lose critical connections to their families, becoming more likely to commit new crimes and less likely to reconnect to school and work.^{viii} Recognizing these risks, stakeholders across the country have found ways to keep more youth close to home as a way of reducing reliance on incarceration. They recommend that other jurisdictions take the following actions.

Review and Reduce the Number of Out-of-Home Placements

Our respondents recognize that juvenile departments should try to support and strengthen relationships between youth and their families, making out-of-home placements the exception rather than the rule. To achieve this, many jurisdictions make out-of-home placement decisions prior to adjudication using multi-agency teams so that mental health, child protection, and education needs can be taken into consideration. Alternatively, decision points are created prior to placement in order to explore alternatives. The multi-agency teams recommend out-of-home placement only when every other alternative has been explored. Alternatives include placement with extended family

members that can help transition youth back to their primary families as soon as possible.

Build a Local Placement Continuum

Some states—Illinois, Texas, and Ohio, for example—have spent a decade or two working to develop a more robust continuum of placement options that stakeholders will use in place of locked facilities. To build stronger local continuums, systems should fund networks of local nonprofit placements for youth in their home communities; make a reduction in state placements a benchmark for success in provider contracts; target the treatment needs of youth who might otherwise be locked up; and use halfway houses, treatment centers, and local facilities as alternatives to placements far from home. Nongovernmental agencies can provide technical assistance to localities and nonprofit partners to help develop a more robust set of options than what existed before.

Reduce Lengths of Stay at Various Points in the System

States are repealing (or seeking to repeal) mandatory minimum sentences that keep young people incarcerated longer than necessary. Systems are specifying that youth be locked up for the shortest periods of time needed and prepared to return home as soon as possible through developing processes, hiring personnel to expedite the movement of young people through the system, or instilling a sense of mission among all staff to move youth quickly. As one Northeastern stakeholder said of the length-of-stay challenge, “I want to know by worker how many kids are in the facilities and how long each one of them has been there. And I am demanding that they ask the question every day, ‘Why is this kid still there and what the hell are we doing about it?’”

Improve Community Supervision Strategies

For young people on community supervision, the laws, practices, or individual decisions by case managers or officers can result in reincarceration. When supervision approaches are focused only on youth following the rules, adversarial relationships between young people and their supervision agents can result. Too many youth end up being locked up when opportunities for supervision staff to engage with youth are too few, reliance on revoking youth to change their behavior happens too often, and a “one-size-fits-all” approach to supervision is used.

NCCD heard that reforms to juvenile supervision strategies have played a role in keeping youth out of facilities in the states we visited. Respondents recommended that other jurisdictions take the following actions.

Develop Stronger Partnerships With Families and Service Providers

Traditionally, probation and parole departments monitor the terms of juvenile probation without considering the importance of establishing relationships with families and community-based service providers. However, our respondents recognize that youth are far more successful when they have the support of their parents and services in their communities. Therefore, stakeholders recommended that departments share access to information systems with community-based organizations, sponsor joint trainings between officers and youth-serving nonprofit organizations in the community, clearly communicate each youth’s terms of probation to his/her parents, hire culturally competent staff who feel comfortable building positive relationships with parents, and develop family orientation programs. As the head of a juvenile probation office in the Northeast told us, “we’re investing a lot in working with our officers to be more engagement-focused rather than order-focused both with the young people and the families to find what is the common ground.”

Reduce Supervision for Youth Who Do Not Need It

The field of juvenile justice has started to differentiate between youth on community supervision. Using risk assessments, departments can identify those youth who are at high, moderate, and low risk of committing new offenses. Our respondents recommended building supervision strategies around these risk assessments, screening instruments, and other tools to determine the caseloads to which youth should be assigned. The lowest-risk youth can be diverted from the system entirely or placed on caseloads that require very few contact hours with probation officers. This allows systems to shift youth to the lowest form of supervision needed. The head of a probation department in the Northeast put it this way: “Some of these kids need to get the hell out of my office and we need to not touch them because all government touches, just like all social services touches, aren’t good touches. They almost all have unintended side effects.”

Reduce Revocations That Lead to Reincarceration

Juvenile departments in New York, Alabama, Ohio, and California have developed specific practices that reduce revocations that may lead to incarceration. Response grids, for example, guide officers as they decide how to respond to violations. When a violation has occurred only once and is minor, supervision staff might have the youth write a letter of apology rather than return to court for a formal punishment. These grids can be developed by departments or in collaboration with families and youth. System-wide training around grids encourages the appropriate response by probation officers, and system-wide adoption systematically slows the flow of youth into secure facilities.

Incorporate Community to Deepen Reforms

Youth and families created a constituency that pressured systems to adopt successful reforms around the country. This was particularly true in Alabama, Arkansas, Connecticut, California, Louisiana, Maryland, Mississippi, New York, South Dakota, Texas, and Washington, DC.^{ix} Nonetheless, most families and youth remain on the margins of juvenile justice reform. Even the sites making an effort to incorporate community into their systems face challenges. Across the country, funding and training is needed to create sustainable networks of youth and family advocates that can keep systems committed to deeper reforms.

Work and Engage With Families and Communities in a Restorative Manner

Our respondents argued that the juvenile justice field will be more successful if stakeholders recognize

that youth are embedded in the larger social systems of their families and communities. As such, systems should intentionally provide treatment and services for families, particularly those in need of drug treatment, counseling, and job assistance. Butressing families can be intentional. Systems can stop sending youth home and simply hoping for the best.

At the same time, our respondents recognized that communities with high incarceration rates have untapped resources. Committed people who have been in and/or through the systems are effectively serving as unpaid advocates. Most indigenous advocates live in the community and understand the struggles of the community. Systems and government should create paid advocate positions to bridge the gap between marginalized families and the juvenile justice system.



Build Capacity for Reform and Fund Communities Most Impacted

System stakeholders report that their success relies on positive relationships with families and community-based organizations. Successful relationships require new skills on both sides. Families and communities need training on the intricacies of how systems work. Systems need training on how to define roles and share power. Specifically, systems should work to improve the funding to community-based organizations and collaborate with organizations that have advocacy agendas.

As a Northeastern stakeholder noted about the challenge, “we have to invest time and resources in training people, bring enough people to the table so they feel comfortable and make meetings accessible, including time and locations that make sense, and stipend people who are giving up their time and have to come in on a workday.”

Include Impacted Communities on Advisory Boards and Commissions

Our respondents said that systems need to revamp, enhance, and provide resources to advisory boards and commissions to help these institutions engage youth, families, and other community partners around the policy reform agenda. A model offered as part of the recommendations to NCCD included the Missouri Division of Youth Services (DYS) Advisory Board. This board consists of judges, former legislators, civic officials, and citizens and serves as a liaison between DYS, the governor, the legislature, and the general public. A former ward of DYS and the parent of a formerly incarcerated youth also serve on the board. At the federal level, family and youth representatives were added to the Coordinating Council on Juvenile Justice and Delinquency Prevention and the National Center for Youth in Custody. A half dozen states include family members on the state advisory groups that administer the Juvenile Justice and Delinquency Prevention Act.^x



Deepen Reforms to Eliminate Disparities

Based on this study, juvenile justice system stakeholders want to reduce juvenile incarceration. Along with rising costs and falling crime, the deliberate efforts of juvenile justice system stakeholders have helped drive huge reductions in the number of incarcerated youth across the country. Stakeholders have developed data-driven, objective supervision strategies that slow the return of youth to secure facilities. They have developed placement strategies that keep youth close to their families and community. Nonetheless, 10 years into reforms, data from select counties with big declines in incarceration show that youth of color, particularly boys of color, represented a higher proportion of adjudicated youth in 2012 compared to 2002. Most of this increase is due to higher percentages of youth of color being sent to out-of-home placements and secure facilities.

In order to deepen reforms and eliminate racial and ethnic disparities, stakeholders need to be more committed, vigilant, and intentional as they address this continuing challenge. Systems can contribute by expanding their use of data, risk assessments, and decision grids. Partnering system stakeholders, policy advocates, and researchers with youth and families of color will help systems identify the most promising culturally relevant practices. Working to pass bills and budgets that guarantee a flow of money through probation departments to the direct service provider within communities most impacted by incarceration will establish a fiscally sustainable service continuum that will be more effective than anything accomplished to date.

