Municipal Action Guide

Increasing Public Safety and Improving Outcomes for Youth through Juvenile Justice Reform

The Challenge

City leaders can increase public safety and improve outcomes for young residents by changing how their cities respond to young people implicated in delinquent acts or accused of crimes. When city policies end up channeling large numbers of youth into a juvenile justice system that emphasizes arrests and detention, these policies inadvertently jeopardize rather than enhance public safety and security, particularly in high-crime neighborhoods. At the same time, when young people who come to the attention of law enforcement for low-level offenses (e.g., school truancy, drug use or petty theft) are treated as more serious criminals, these decisions reduce the likelihood that these youth can regain their footing and greatly diminish their future prospects.

Two decades ago, the national stance on juvenile crime took a decided turn toward strategies centered on arrest, prosecution and confinement of youth. The results of this approach have been deeply troubling. Although a small percentage of youthful offenders do pose significant risks to public safety, such strategies are not appropriate for the great majority of the 1.5 million youth arrested annually, most of whom commit relatively minor offenses.

For most youth, even brief involvement with the formal juvenile justice system causes negative short- and longer-term consequences, typically doing more harm than good. For this reason, a growing number of states and localities are seeking new and more effective ways of holding youth accountable for their actions while protecting public safety and avoiding greater harm to young people. City leaders have a unique opportunity to be part of this shift, increasing public safety and improving long-term outcomes for young residents by identifying ways in which municipal government can contribute to juvenile justice reform.

Inside the

JUVENILE JUSTICE SYSTEM

1.5 MILLION

The number of youth that police arrest each year.

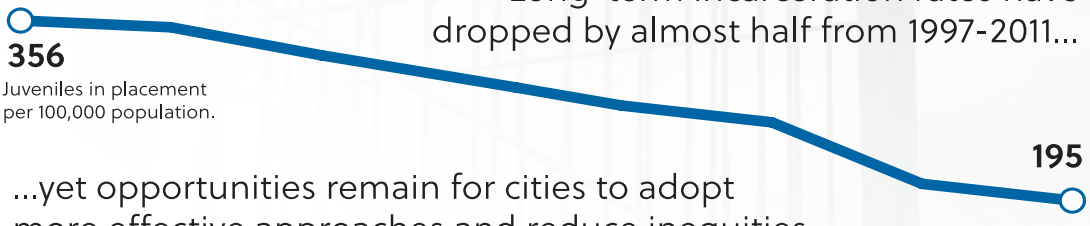
Police arrest more youth for curfew violations and loitering than for **ALL** violent crimes combined.

69% of youth incarcerated by the system are youth of color.

Outcomes

Youth returning from the juvenile justice system are less likely to stay in school and get or keep a job than their peers. They also have greater unmet mental health needs than the general population.

Long-term incarceration rates have dropped by almost half from 1997-2011...



...yet opportunities remain for cities to adopt more effective approaches and reduce inequities.

A Comparison of Criminal Justice and Juvenile Justice Terms

Jail	Detention
Trial	Adjudication
Sentence or Prison	Placement

The push for more effective approaches to juvenile justice is both driven and guided by the latest research on brain development and function during adolescence and young adulthood. Recent advances in neuroscience have confirmed what we commonly understand: adolescents and young adults are less able to weigh long-term consequences against immediate gratification, experience the greatest gap between sensation-seeking and impulse control and are more susceptible to peer influence than at any other point in life. This phase of brain development, which research suggests can last until age 26, underscores the need to steer toward approaches to reform and punishment quite different than those employed for adults. Unfortunately, public policies at local, state and federal levels still trail these findings.

Many city leaders may assume that municipal governments have no role to play in juvenile justice reform. However, cities of varying sizes – many of them highlighted in this document – are contributing in important ways to juvenile justice reform. Policies for police-youth contact and arrests fall squarely in the purview of city officials, and cities are also well positioned to build and support the networks of community-based agencies most capable of holding youth accountable while supporting their development. Finally, just as municipalities support the flow of "returning citizens" from adult prisons, cities can also plan, coordinate and provide services for young people returning home from juvenile confinement facilities.

Nationwide Policy Context

During the last decade, the nation has made significant progress in reforming its juvenile justice systems. These reforms seek to keep the public safe while holding youth accountable for their actions in the least harmful and restrictive setting possible. Key signs of progress include:

- A growing number of county and state agencies are setting goals to move or keep youth who do not pose a public safety risk out of secure settings and are supervising more youth in city neighborhoods.
- The federal government and some states now forbid incarceration for status offenses, such as truancy and running away from their parents or guardians.
- Fewer schools are relying upon the juvenile or criminal justice system to punish students who are disruptive in school.
- Scientific research demonstrating the effectiveness of evidence-based services is now available to support and guide state and local innovations.

One of the most important steps that city leaders can take is to bring a halt to the practice of responding to status offenses with arrests and

court proceedings. Nationwide, 137,000 cases of status offenses ended up in juvenile court during 2010, representing a large-scale missed opportunity to address early warning signs of trouble in a more constructive and effective manner.

Disparate treatment by race and ethnicity represents another current focus of policy reforms across the criminal justice system, including juvenile justice. African American and Hispanic youth receive harsher treatment than their white peers charged with the same offense at every point in the juvenile justice system, including arrest. Researchers point to subjective decisionmaking as one cause of the disparities.

The federal government takes a limited role in juvenile justice, via policy initiatives and a small amount of funding. The Juvenile Justice Delinquency Prevention Act sets certain standards for state juvenile justice systems and mandates that each state establish a State Advisory Group (SAG) to develop policy and distribute federal juvenile justice funds to local agencies. A recent addition to the federal funding landscape, the Second Chance Act, joins the Byrne Justice Assistance Grant as additional financial resources for states and localities.

State agencies and courts constitute the main focal point for the limited federal presence; in most states, they possess the lion's share of control over the juvenile justice system, with counties in the lead in other states. Currently state SAGs direct federal funds primarily to law enforcement and prosecution efforts. Pennsylvania provides one example in which the SAG has utilized federal funds strategically to promote significant juvenile justice reforms. Other states, including California, Ohio, Kentucky, Georgia and Illinois, have passed sweeping overhauls of their juvenile justice systems to remove youth from state-run facilities and increase community-based treatment. Within this evolving landscape, many cities are now exploring and expanding their involvement in juvenile justice reform efforts.

Decision Points

Early decision points in the juvenile justice system can lead a young person either deeper into or away from the system.

An encounter with law enforcement at school or in the community can lead to warn and release, civil citation/paper referral or arrest.

Parents, schools and community members may also refer youth to the juvenile court, most often for running away or disobedience.

Prosecutors often have broad discretion whether to formalize charges, advance charges to the adult criminal court or release a young person with or without services.

Probation offices frequently decide whether or not to detain a young person or release them under the supervision of a probation officer or GPS tracking device.

Strategies for City-Led Juvenile Justice Reform

Cities can increase public safety and improve outcomes for youth by implementing strategies that hold them accountable for their actions in more effective, equitable and developmentally appropriate ways. Youth need individualized responses at multiple points in their involvement with the juvenile justice system.

Early attempts to reform juvenile justice suggest that progress must include breaking down collaboration barriers among agencies and service providers that touch young people. Strong partnerships with county and state agencies can enable city leaders to foster community-based alternatives to arrest and prosecution, reduce racial and ethnic disparities at the point of arrest and reconnect youth leaving the system with supportive community resources.

Strategy: Assess current roles, share information and set joint goals.

Strong partnerships with county and state juvenile justice agencies and other youth-serving agencies will prove crucial to achieving reform. Because county and state agencies often hold key administrative responsibilities, city leaders can identify and map existing structures, trends, reform efforts and collaborative bodies to identify where gaps exist and partnerships are most needed. In many places across the country, groups are already revising policing strategies, addressing racial and ethnic disparities or employing strategies to reduce reliance on detention. Building strong working relationships focused on common goals will cement the strategy, and partners will likely need to agree to additional data sharing so that they can understand baseline conditions and monitor progress against goals.

Action Step: Identify first steps to reforms based on existing activities.

A city, on its own or in partnership with a stakeholder collaborative, can map the current situation. Questions that city leaders or other stakeholders might ask include:

- What data do city and juvenile justice agencies collect about youth and families with whom they come into contact?
- What do these data reveal about the outcomes for the city's youth who are involved in the juvenile justice system?
- What services are currently available to youth and families, and how effective are these services?
- What partnerships already exist among youth-serving agencies?

City leaders are also well positioned to collect qualitative feedback from juvenile justiceinvolved youth and families through listening sessions about the relationships among youth and families, police, community-based providers and juvenile justice system partners.

If trends suggest an opportunity for change, and a city learns that a juvenile justice stakeholder group does not already exist in the area, the

mayor may convene a group to move toward reform goals. Examples of key stakeholders a city can engage in a juvenile justice reform collaborative include:

- Law enforcement agencies, including any police or sheriff's department with arresting authority in the city;
- Youth-service agencies, including schools, social service agencies and recreation departments;
- Community members, especially system-involved youth and their families, faith leaders and community-based service providers;
- The juvenile court, including the chief judge, prosecutors and defense attorneys; and
- Juvenile justice system agencies, especially juvenile probation chiefs.

Action Step: Create agreements to support local goals and facilitate information sharing.

Successful collaboration and information-sharing agreements provide a crucial foundation for tracking the progress of reforms. A growing number of municipalities have executed multiagency Memoranda of Understanding (MOU) to establish a framework for sharing information. The strongest MOUs have clauses establishing timetables for their updating and renewal. Establishing renewal terms of at least five years will support sustainability through leadership transitions.

Privacy Laws

Federal laws, including the Health Insurance Portability and Accountability Act (HIPAA) and the Family Educational Rights and Privacy Act (FERPA), prescribe specific conditions to meet when sharing data that can identify an individual. "Individually identifiable" information includes names, social security numbers or dates of birth. Experts strongly recommend obtaining legal advice on information sharing agreements. To learn more, read NLC's information sharing toolkit at www.nlc.org/data-sharing.

Another opportunity when crafting information-sharing agreements is to promote a sustained focus on long-term youth outcomes and their use in assessing agency performance. Strong local collaborations often include a results framework to track population-level effects of reforms. At present, some 20 percent of state juvenile justice agencies collect data that show how youth fare beyond their system involvement. A city working on reform may find itself able to collect and use such data, in lieu of or as a local supplement to statewide data. These measures may include, for example, recidivism (including re-arrest), new convictions, violations of probation and new offenses as well as positive measures such as improved mental health, reduced substance abuse, better educational outcomes and increased readiness for work.

Strategy: Ensure fairness in the earliest youth contacts with the juvenile justice system.

Local law enforcement is usually the first point of contact between a city's young people and the juvenile justice system. The policies, protocols and training in police departments have the power to create a marked shift in how police officers make decisions of who to arrest and the numbers and types of young people arrested. Significant research now documents the overrepresentation of young people of color in the juvenile justice system. This research makes clear that youth of color, especially African American youth, are arrested more often, prosecuted more harshly and sentenced more stringently than their white peers. What is less clear is why, and this lack of clarity contributes to the difficulty in developing comprehensive solutions that address this disparity. However, subjective decision-making is at least part of the answer. Therefore, reforms with proven success are targeted at improving subjective decisions or building objective decision-making tools.

Action Step: Implement training to change the nature of law enforcement interactions with youth.

Cities can support developmentally appropriate interactions between youth and law enforcement by implementing new training protocols. A few pace-setter cities have already developed and tested new protocols. For example, Philadelphia has improved communication and relationships among local youth and new police officers through the Pennsylvania DMC Youth-Law Enforcement curriculum, a mandatory segment of training for all cadets at the policy academy. In addition, Crisis Intervention Training for Youth (CIT for Youth), along with a similar course focused on adults, teaches officers nationwide how to identify and respond to mental health crises at the root of many disruptive behaviors.

Action Step: Utilize objective decision-making tools at arrest.

Local law enforcement agencies can improve public safety and reduce racial and ethnic disparities at arrest by using objective decision-making tools. The use of such a tool at the scene of arrests in Tucson, Ariz., decreased the number of physical arrests of youth by more than 95 percent – from approximately five per day to two per month – during a twelve-month period, and resulted in a department-wide culture shift. See more on Tucson's experience in the Local Examples section of this guide

Strategy: Expand and ensure equitable access to high-quality, community-based alternatives to arrest and prosecution.

City leaders seeking to increase public safety and improve outcomes for youth will likely see progress by fostering the development of a continuum of high-quality, community-based services for youth. A strong continuum will involve a number of options spread across different neighborhoods that respond to specific youth behaviors and needs. For example, cities can stimulate or support the development of programs that provide mental health or substance use treatment, create youth development opportunities, build behavioral capacity within youth or use restorative justice

to resolve issues. Through procurement cycles, cities can regularly evaluate the quality and results of contracted services.

Action step: Create mechanisms for referring youth to community-based alternatives.

While playing an important role in assembling a continuum of high-quality, community-based alternatives to arrest and prosecution, city leaders can also ensure the use of mechanisms to refer youth to the most appropriate alternative. Cities can draw upon two major referral system models: police-led alternatives to arrest and juvenile assessment and service centers. Most cities that have created these models focused their early implementation efforts on youth charged with status offenses and misdemeanors.

Police-led alternatives to arrest include station-house adjustments, as in Camden, N.J.; civil citations used in Gainesville and Miami, Fla.; and paper referrals in Tucson, Ariz. In each system, law enforcement officers have the option to issue a citation instead of arresting youth. Youth must soon follow up with a juvenile justice system partner, most often a probation agency, for further assessment, services and potential consequences.

For police-led alternatives, two approaches help ensure equitable treatment and developmental appropriateness. Law enforcement agencies that are seeking to reduce racial and ethnic disparities (e.g., the Gainesville Police Department) use validated objective risk assessment tools or supervisor approval mechanisms to avoid disparities in the decision to cite or arrest a youth. A key tenet of developmentally appropriate responses involves immediate consequences for wrongdoing. For this reason, cities exploring police-led alternatives often work to avoid delayed responses caused by the hand-off from police to probation.

Juvenile assessment and service centers (JASCs) in several cities have emerged as a second successful model of city-led diversion from arrest and prosecution. In these models, police, school officials or community members refer youth accused of wrongdoing to the JASC instead of juvenile court. At these centers, trained staff assess the youth, refer them to services in the community and provide follow-up support and supervision if needed. These centers can provide a demonstrable benefit for local police. The Multi-Agency Resource Center in Calcasieu Parish/St. Charles, La., reduces processing time for police officers to an average of twelve minutes. The Juvenile Supervision Center in Minneapolis receives funding and oversight from a city-county-schools partnership, with funding drawn from the city's Community Development Block Grant allocation. It contracts with a local nonprofit agency for operations.

Action Step: Implement a continuum of high-quality community-based services.

A robust continuum should aim to meet the individual needs for support and accountability of youth involved in the juvenile justice system. City officials can provide funding directly or lead efforts to raise and coordinate private funding for a variety of programs, including:

- Restorative justice programs, including teen courts, community panels, Civic Justice Corps crews or community conferencing, as in Baltimore;

- Cognitive behavioral modification programs, such as anger management programs or cognitive behavioral therapy, as employed in the Becoming a Man program in Chicago;
- Behavioral health services, including mental health treatment, counseling and substance abuse treatment;
- Evidence-based interventions, such as multi-systemic therapy or family functional therapy;
- Youth development programs, including mentoring, jobs programs, work readiness and skills training, recreation or sports programs and community service opportunities, as offered through Washington, D.C.'s YouthLink; and
- Educational supports, such as dropout reengagement and alternative education centers or programs.

Youth at the "low" end of the juvenile justice system, such as those charged with vandalism or loitering, may benefit from a very brief community service/restitution opportunity combined with youth development or education supports. Youth facing more significant charges and needs could benefit from evidence-based interventions or cognitive behavioral modification programs. In addition to services and supports keyed to the nature or apparent causes of the offense, young people can also benefit from integrated approaches that address key developmental tasks such as acquiring job skills and completing educational qualifications.

Contracts with community-based service providers should mandate and fund data collection and reporting on measurable outcomes. Using a results framework can guide reporting to ensure resources are directed toward successful programs. With an eye toward evaluation research, city leaders are well advised to avoid programs that have been proven ineffective or even harmful, including so-called "scared straight" programs.

> *"Before I came to the Juvenile Supervision Center, I didn't understand the negative impact my actions were having on my siblings and my mother. After working with my case manager I was able to start focusing on gaining employment, and getting the credits I needed to graduate. I plan to use what I have learned going forward in my life by picking better friends to hang out with, as well as going forward with my plans."*
>
> *~ Xavier, 16, Minneapolis, Minn.*

Action Step: Open community-based services to youth re-entering the community.

Youth leaving supervision or confinement in the juvenile justice system often struggle to reconnect with positive pathways upon return to their home neighborhoods. Cities can ensure that programs within a continuum of community-based services open their

doors to returning youth. Hartford, Conn., has demonstrated a way to target services to returning youth at no additional cost by reserving spots in the city's jobs program for justice-involved youth.

Other strategies on the horizon

City leaders across the country are at the forefront of experiments in juvenile justice reform that have not yet produced evidence of success. Two promising strategies for city leaders to watch include:

- Restructuring the program financing relationship between state and local governments. New York City's "Close to Home" initiative to shift the responsibility and funding for services for juvenile justice-involved youth from the state to the city represents one of the first examples of a city-focused "reinvestment" strategy. This initiative resulted from advocacy in the state capital to renegotiate the locus of control of funds to the local level.
- Pay for Success financing arrangements. Such financing derives "first dollar" support from the private sector rather than government for investments in social and human service programs striving to reach well-defined goals. Boston and New York are early sites of Pay for Success experiments.

Local Examples

Tucson, Arizona (Pop. 526,116)

Tucson sought to reduce racial and ethnic disparities in youth arrests by implementing an objective decision-making instrument for use by law enforcement before arrest. This innovation was part of the local Disproportionate Minority Contact (DMC) Intervention Model Project.

Partners on the project include the juvenile court, community organizations, schools, law enforcement, a behavioral health agency and community members, with expert assistance from the W. Haywood Burns Institute.

A review of data revealed a pattern of decisions by patrol officers to arrest instead of divert youth of color. In response, the partners developed a validated risk assessment instrument for officers to administer before arresting youth. At the scene of arrest, officers in Tucson call a juvenile probation officer, who checks the youth's juvenile record and administers the first three questions of the instrument. The outcome of this call dictates whether the officer issues a paper referral to diversion services or takes the youth into custody. The project has not only resulted in individual arrest decisions being better informed, but has also resulted in culture change across the local law enforcement agency. The police department is also able to better direct scarce resources that were previously wasted on transporting youth who were immediately released by probation intake officers.

Gainesville, Florida (Pop. 127,488)

The city manager and police chief in Gainesville assessed local arrest data and implemented a revised arrest protocol as well as officer training to reduce racial disparities at arrest. Florida's statewide juvenile civil citation diversion tool allows police to cite eligible youth, primarily those charged for the first time with minor offenses, rather than arrest them. Data revealed that officers in the Gainesville Police Department regularly arrested youth of color who were eligible for citations, while only citing white youth in similar circumstances. In response, the department now requires an officer arresting a citation-eligible youth to contact a supervising officer for approval and to document the reason for denying the citation in writing. The department has quickly seen civil citation numbers rise as a result.

Leadership in Gainesville also noted strained relationships among youth and law enforcement officers. In response, the department added the Pennsylvania Minority Youth-Law Enforcement Curriculum to its required training. Developed in Pennsylvania through the Models for Change initiative and tested in local departments throughout that state, the curriculum brings together officers and youth to learn from each other about how best to communicate and build community. Gainesville has established the goal that every officer on the force will complete the training.

Minneapolis, Minnesota (Pop. 400,070)

Minneapolis offers a leading example of the Juvenile Assessment and Service Center model in its Juvenile Supervision Center (JSC). An MOU between the city, Hennepin County and the local school district governs shared funding, oversight and access for youth to the JSC. The original city representatives on the JSC's work team include a representative from each of three offices: the mayor's office, neighborhood services and the police department. The partnership contracts for day-to-day operations of the JSC with a local nonprofit agency. Youth charged with misdemeanors and status offenses, specifically truancy and curfew violations, receive referral to the JSC. Agency staff complete risk and needs assessments, refer to services and, as needed, provide extended case management for up to six months. The JSC is open 24 hours a day, 7 days a week.

The JSC served over 2,500 youth in 2013 and provided extended case management to 500 youth. Among youth receiving extended services, results included a low recidivism rate (20 percent), as well as a high rate of school reengagement and improved school attendance.

Baltimore, Maryland (Pop. 622,104)

A partnership between Baltimore City's Mayor's Office of Criminal Justice (MOCJ), the Baltimore City Police Department and local prosecutors demonstrates how city leadership can divert youth from court prosecution to community-based behavioral health services. The MOCJ facilitates diversion from juvenile court prosecution to community-based services for about 425 children and youth annually. If successful in the community-based program, a youth no longer faces prosecution in juvenile court. In 2012, only 25 youth failed to complete the program and faced prosecution.

The head of the MOCJ created the grant-funded position of Diversion Program

Coordinator in 2010 to support a shift toward a therapeutically-focused system, which holds youth accountable for their actions and connects them with community-based services designed to meet the underlying needs triggering problem behaviors. Youth arrested in Baltimore and charged with most misdemeanors become eligible for diversion through this initiative. Based on the results of a holistic family-inclusive assessment, the program coordinator determines which communitybased service best fits the child. Available services include in-home mental health services, substance abuse treatment, restorative justice community conferencing, community service (usually reserved for youth already engaged in other positive activities like school or job training) and youth court.

Resources

John D. and Catherine T. MacArthur Foundation: Models for Change initiative

Models for Change supports a network of government and court officials, legal advocates, educators, community leaders and families working together to ensure that kids who make mistakes are held accountable and treated fairly throughout the juvenile justice process. Provides researchbased tools and techniques to make juvenile justice more fair, effective, rational and developmentally-appropriate.
http://www.modelsforchange.net/index.html

Center for Children's Law and Policy

Legal and policy organization for the protection of the rights of children in juvenile justice and other systems. Provides technical assistance through the Disproportionate Minority Contact (DMC) Action Network.
http://www.cclp.org/

Juvenile Justice Information Exchange Resource Hub

Comprehensive source of information on cutting-edge juvenile justice issues and reform trends.
http://jjie.org/hub/

Mental Health and Juvenile Justice Collaborative for Change

National resource center for mental health reforms in the juvenile justice system. Resources include policy papers and practice manuals.
http://cfc.ncmhjj.com/

RFK National Resource Center for Juvenile Justice

National resource center providing resources to improve system performance and outcomes for youth involved in the juvenile justice and child welfare systems.
http://www.rfknrcjj.org/

Status Offense Reform Center

National resource center. Provides an interactive, comprehensive toolkit to support agencies seeking to improve their responses to youth charged with status offenses.
http://www.vera.org/project/status-offense-reform-center

W. Haywood Burns Institute

National organization that addresses racial and ethnic disparities. Interactive data map includes state and county-level information about racial and ethnic disparities in the juvenile justice system.
http://www.burnsinstitute.org/

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About the National League of Cities

The National League of Cities (NLC) is dedicated to helping city leaders build better communities. NLC is a resource and advocate for 19,000 cities, towns and villages, representing more than 218 million Americans. NLC's Institute for Youth, Education, and Families works with municipal leaders to improve outcomes for the children, youth and families in their communities.

About the Institute for Youth, Education, and Families

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.