



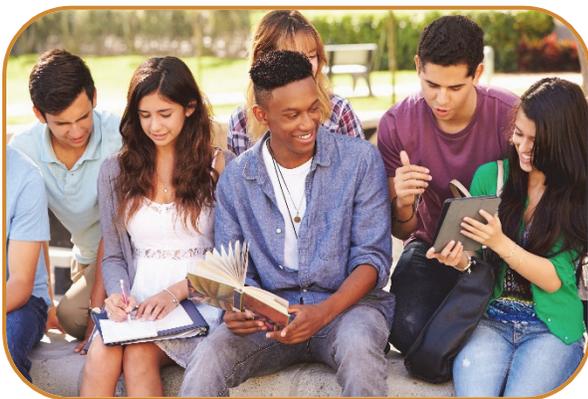
Research Brief

Breaking the Cycle of Youth Involvement in the Justice System

By Robyn Cenizal, CFLE, ICF, and Anna McKittrick, ICF

Introduction

Youth often experience missteps as they move through adolescence and learn to navigate the adult world. Unfortunately, for some youth, these missteps cross the line into illegal behavior and potential involvement in the criminal justice system. Prior to the late nineteenth century, youth offenders in the United States were typically tried as adults, but around that time reformers began to advocate for a separate juvenile justice system for youth that would focus on treatment and rehabilitation instead of punishing children as criminals.¹ Modern research on child development supports the reformers' idea that children are fundamentally different from adults—we now know that the parts of children's brains that control social, emotional, and cognitive abilities develop throughout their teenage years and even into adulthood.²



Some of the early institutions devoted to rehabilitation for juveniles were started by reformers in large cities, such as the New York House of Refuge in 1825 and the Chicago Reform School in 1855. The juvenile court system was established at the dawn of the twentieth century; the first United States juvenile court was established in 1899 and most

states had their own juvenile courts by 1925.³ The system persisted with some modifications through the bulk of the twentieth century, but by the 1980s it faced serious challenges. Juvenile crime rates were on the rise and recidivism rates were high, so critics claimed that the juvenile justice system was failing to rehabilitate youth.⁴ In fact, other social forces at the time, such as an increase in families with two working parents, may have contributed to this effect instead. In 1975, both the husband and wife worked in 46.7% of married couple families, but by 1990, both parents worked in 59% of married couple families.⁵ The resulting rise in the number of children without after-school supervision may have contributed to the uptick in juvenile crime—a lack of adult supervision after school is linked to youth misbehavior, and youth crime rates are particularly high after school.⁶

In response to this upswing in juvenile crime, states passed “tough on crime” legislation. For example, when youth commit certain crimes, they are now required to go through the adult criminal justice system.⁷ In 11 states, youth offenders who are 16 or 17 will automatically be tried as adults, and anywhere in the United States a child can be tried as an adult at the discretion of the prosecutor or judge. One consequence of charging youth in adult court is that they may face mandatory minimum sentencing requirements, which do not exist in juvenile court.⁸ Mandatory minimum sentences are fixed lengths of time that an offender must serve in jail or prison if convicted of particular offenses. Typically used for drug offenses, these sentencing laws limit the judge's ability to tailor the sentence to individual circumstances and lead to an increase in the incarcerated population.⁹ All of these policies had a significant effect on the number of youth serving

time in adult facilities—in 1985 there were 3,400 offenders under age 18 admitted to state prisons, but in 1997 that number soared to 7,400.¹⁰ Today, even juvenile court decisions include more incarceration and longer sentences.¹¹

Environmental Factors Leading to Youth Justice System Involvement

The environment in which children are raised can have an impact on their future involvement in the justice system. For example, growing up in poverty exposes children to certain risk factors. Although poverty is present throughout the United States, it is typically concentrated in particular areas. Census Bureau data from 2006 to 2010 indicate that 50.2% of people living in poverty live in areas where the poverty rate is 20% or higher,¹³ which means that people in poverty are more likely to live near others in poverty. There are consequences to living in an area of concentrated poverty—for instance, poverty concentration is linked to higher county-level crime rates, especially for violent crimes.¹⁴ A high crime rate can lead to an increased police presence in the community, which can have negative consequences for the children growing up there, especially youth of color.

Place Matters

“Every community is socially and racially just and there are equitable opportunities for all.”

This is the vision of the Joint Center for Political and Economic Studies’ Place Matters initiative. The Place Matters initiative acknowledges that some communities unfairly struggle with underlying social ills that contribute to poor health. The project strives to improve community health through 19 teams nationwide who are working in 27 jurisdictions to target issues such as employment, poverty, and housing that contribute to disparities in the health of different communities.¹² For more, visit <http://70.32.93.32/content/place-matters>.

More police activity in a community increases the chance that youth will be caught when committing even minor offenses.¹⁵ Further, children of color are at particular risk for negative interactions with police because of two factors they cannot control: they may live in over-policed areas and they may face racial bias from officers. To the first point, children of color are significantly more likely to be living in poverty than their White peers. In 2014, the poverty rate for White, non-Hispanic/Latino children under age 18 was 13%, but for Hispanic/Latino children it was 32.1% and for Black or African American children it was 38.4%.¹⁶ Youth of color are also more likely to be living in urban areas. Of the children living in nonmetropolitan areas in 2012, 29% were from non-White ethnic groups, but they made up 51% of urban children.¹⁷ Youth of color disproportionately live in disadvantaged communities, and in urban areas this includes impoverished inner-city neighborhoods whose associated high crime rates can lead to more police attention.¹⁸

While police presence certainly increases the likelihood of interaction with police, it is only half of the story. Simple exposure to police does not fully explain why youth of color are disproportionately involved with law enforcement; the racial bias faced by youth, particularly boys of color, is another critical factor. Researchers Kochel, Wilson, and Mastrofski reviewed 27 different data sources to determine if race has an effect on whether a police officer makes an arrest. They found that suspects from racial minority groups are more likely to be arrested than White suspects;¹⁹ in fact, they are about 30% more likely to be arrested.²⁰ What this means is that when officers are confronted with an individual and are deciding whether they should make an arrest, the suspect’s race matters. Among youth involved in the justice system today, a disproportionate number are Black or Hispanic/Latino. Compared to White youth in 2013, Black youth were 4.6 times as likely to be incarcerated and Hispanic/Latino youth were 1.7 times as likely.²¹ This is not to say that all

the officers and prosecutors who are disproportionately jailing youth of color are intentionally discriminating against minorities; in some cases officers may be acting out of implicit bias. When police officers with implicit biases interact with youth of color, who may be scared or unsure how to react, the situation can escalate into unwarranted consequences for the youth.

Implicit biases are feelings we have that we may not even be aware of. Despite the fact that we might not express these feelings when asked about our opinion of individuals of a certain racial group or gender, implicit biases can involuntarily influence our actions and judgments.²² Everyone has implicit biases, but some individuals, such as police officers and prosecutors, work in professions where their biases can end up hurting the lives of individuals they are supposed to serve. Some police departments have responded to this understanding of hidden bias by offering training to officers on how to resist acting on these prejudices; however, the process is new and consistent follow-up is required to ensure that the results are lasting.²³

“We’re all biased, but the consequences of our bias depend on the role we play in society. There are certain roles in society where being biased has a bigger impact.”²⁴

—Bryan T. Marks, *Morehouse College professor and senior research fellow with the Campaign for Black Male Achievement*

Beyond the implications that poverty has for police exposure, the stress of living in poverty also affects the ability of children to perform well in school, leaving them more susceptible to dropping out.²⁵ There is a clear correlation between dropping out of school and becoming involved in crime—one study of a nationally representative sample of 18- to 25-year-olds found that high school dropouts were two to three times more likely than graduates to have been arrested on theft, assault, or drug charges.²⁶ The U.S. high school dropout rate is declining, according to recent Census Bureau

data, but it still varies by race. In 2013, the dropout rate for non-Hispanic/Latino White youth was 5%, compared to 8% for Black youth and 14% for Hispanic/Latino youth.²⁷

One factor that helps explain the racial disparities in school dropout rates is the increased risk that students of color have of falling victim to the *school-to-prison pipeline*. The school-to-prison pipeline is a phrase used to describe how educators are increasingly involving law enforcement in minor student behavior issues, or relying on removing students from school via suspensions or expulsions instead of handling school misbehavior with counseling or in-school detention. This practice increases the odds that children will drop out and become involved in the justice system. Because schools have limited resources and need to meet student test performance goals, the system unintentionally encourages teachers to educate the students who will be the most successful and not the students who need more help.²⁸ Additionally, in the years following the mass shooting at Columbine High School in 1999, both the number of police officers in schools and the number of arrests in schools have increased.²⁹

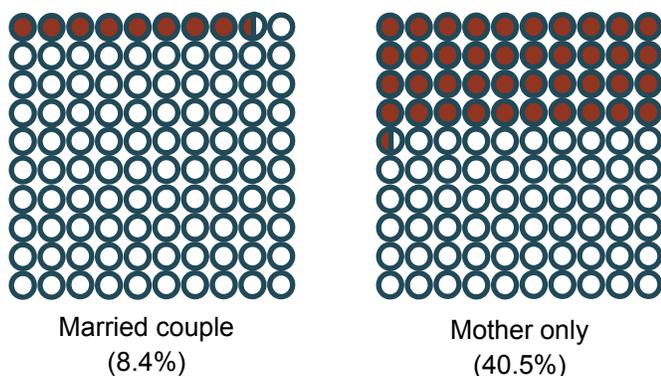
Yet once again, children of color are disproportionately affected by these trends, especially African American boys. Students of color make up the majority of arrests for incidents in school and African American students are almost three times more likely to be suspended than their White counterparts. This imbalance seems to indicate racial bias, because students of color are given more serious punishments than White students for the same behaviors.³⁰



Poverty is linked to many negative outcomes for youth, and another predictor of poverty is family structure. In 2014, 8.4% of married couples with children under age 18 lived below the poverty line, but in families with only a mother present that number jumps to 40.5% (see Figure 1).³¹ A total of 15.5% of White, non-Hispanic/Latino children lived only with their mother in 2014, but this was true of 27.5% of Hispanic/Latino children and 50.8% of Black children.³² However, parents from any household arrangement or race might hurt a child’s development with poor parenting practices such as being excessively harsh toward children, being uninvolved, or failing to set clear guidelines for a child’s behavior. Youth with overly harsh parents may either rebel or become submissive, and those whose parents are uninvolved or do not set clear expectations may struggle with self-control and impulsivity.³³ These issues could in some cases lead to misbehavior or justice system involvement. By contrast, positive parenting practices such as consistent discipline, appropriate supervision, and affection help nurture healthy adolescents.³⁴

Figure 1

Families with children under 18 living below the poverty line, 2014



Time spent without any adult supervision can be dangerous for youth as well, which is another reason to consider alternatives to out-of-school suspension. One study analyzed the different ways youth spend their time to determine if certain activities lessen the likelihood of youth crime, substance use, sexual activity, and smoking cigarettes. The study

found that spending time with family decreases the likelihood that youth will engage in these behaviors, and it does so more consistently than participation in any other activity—including work, extracurricular activities, and sports. However, time spent unsupervised with friends increases the likelihood of these behaviors, including involvement in crime.³⁵ In some cases, this unstructured peer time can lead to gang involvement. Gangs can appeal to youth; they provide their young members with structure, routine, acceptance, and a sense of belonging. There can be a sense of loyalty among youth in gangs, who may do the bidding of their gang members without question, which can lead to involvement in criminal activity.³⁶

Toxic Stress, Adverse Childhood Experiences, and Justice System Involvement

Beyond effects from the physical environments in which children are raised, childhood experiences can change their physiological makeup in ways that can lead to future justice system involvement. Negative experiences in childhood can actually alter the way the brain develops and functions—and the impact of this can be seen not only in youth but also into adulthood.³⁷ There are two concepts that explain how negative early experiences can change a child’s brain chemistry: toxic stress and adverse childhood experiences.

Experiencing mild stress is part of a healthy childhood, but stress becomes toxic when it is especially intense or is experienced often or for extended periods. When this happens, a child’s normal stress response (e.g., increased heart rate and stress hormones) is activated frequently, and without the support of a caring adult, this stress can interfere with the healthy development of various brain structures and ultimately lead to negative health outcomes.³⁸ Toxic stress damages what Harvard’s Center on the Developing Child calls the brain’s “air traffic control system.” Like an airport managing various flights, the human brain has to focus, remember and use information, and move from

one task to the next quickly. These skills, called executive function skills, are important for succeeding in school or at work, and help youth make responsible decisions.³⁹

Adverse childhood experiences (ACEs) are experiences of family dysfunction, including abuse specifically directed at the child, such as psychological abuse of a child by a parent, or exposure to abuse, such as a child witnessing physical violence against his or her mother.⁴⁰ Like toxic stress, ACEs can damage brain structures in lasting ways. For example, damage to the part of the brain called the amygdala, which is the fear-processing center of the brain, can cause a failure to consider the dangerous consequences of harmful actions.⁴¹ Additionally, damage to the prefrontal cortex can severely affect an individual's decision-making and self-regulation abilities—which can lead to making impulsive and risky decisions such as engaging in substance use or criminal activity. The damage may also affect how youth respond to authority figures such as school administrators or law enforcement when confronted, which can cause tensions to unnecessarily heighten.

The seminal study on ACEs was carried out by the Centers for Disease Control and Prevention and Kaiser Permanente in California in the 1990s. The study asked individuals about their childhood experiences and current health to determine the effects of childhood abuse and/or family dysfunction on adult health outcomes. 63.9% of participants reported experiencing at least one ACE in childhood and 12.5% reported exposure to four or more ACEs. The study found that as the number of ACEs a person is exposed to increases, the risk of many negative health outcomes increases (e.g., alcoholism, illegal drug use, depression, intimate partner violence, poor work performance).⁴² In 2012, the Institute for Safe Families decided to undertake a similar effort in Philadelphia to study ACEs in an urban environment. The Philadelphia study added questions about the adversities of growing up in an urban community, such as experiencing racism, witnessing violence, and living in unsafe

neighborhoods. The study found that over 37% of participants reported experiencing four or more urban ACEs.⁴³

Defending Childhood Initiative

In 2010, the U.S. Department of Justice, under the leadership of Attorney General Eric Holder, created the Defending Childhood Initiative, designed to understand and prevent the impact of trauma resulting from children's exposure to violence, which puts children at greater risk of physical or mental illness as well as behavior issues later in life. Eight grantees developed comprehensive community-based strategies for addressing the goals of the initiative.⁴⁴ For more information on the grantees' strategies, see <http://www.defendingchildhood.org/communities-in-action>.

Reducing Youth Justice System Involvement

Understanding the community and family challenges that create conditions that disproportionately subject some youth to the juvenile justice system is critical to developing community-based interventions that offer a holistic approach to both preventing youth justice system involvement and setting justice-system-involved youth on a more positive path.

Many efforts to prevent justice system involvement start in communities. Urban crime and poverty are expansive problems that may be hard for an individual safety-net service program to grapple with, but there are collective efforts to change the systems that keep families of color stuck in the same cycles. Recent movements, such as "Black Lives Matter," aim to improve economic and sociocultural stability for families of color and address the need for consideration, open mindedness, and equality in the way that people of color are treated.⁴⁵

There are also ongoing efforts to reduce inequality in the justice system, such as implicit bias training for police officers. When officers

are encouraged to treat all people with respect, communities are strengthened; and when communities feel respected, members are more likely to be supportive of law enforcement and to obey the law. One effort to increase this mutual respect began in 2011, when the Chicago Police Department's superintendent started a project involving the department's trainers and justice experts at Yale University. They developed an evidence-based training to encourage positive relationships between officers and Chicago communities, which has since been adapted to fit the needs of three California communities. The training curriculum is "by officers and for officers," and instead of being taught by department trainers, the training is taught by other officers who are chosen based on their demonstrated "leadership and street credibility." The curriculum approaches the issue of implicit bias without being judgmental toward the officers, and in Chicago, as well as two of the California communities, 95% of officers rated the course as excellent, very good, or good.⁴⁶

To learn more about implicit bias, one can visit the website of Project Implicit, which is an effort led by a group of researchers from major universities who aim to both educate people about implicit bias and collect data about people's biases by offering online tests that expose hidden bias. Participants can take free, brief Implicit Association Tests to reveal biases they may not know they have at <https://www.projectimplicit.net/index.html>.⁴⁷

The U.S. court system also suffers from systemic inequality because it puts impoverished individuals at a disadvantage. Individuals who do not have enough money to pay for their own legal defense must rely on public defenders, who are often staggeringly overworked and lack adequate funding to do their jobs. Further, defendants are often faced with a variety of fees and court costs during this process that they may be unable to pay—including fees for the use of a public defender, which are allowable in 43 states and the District of Columbia.⁴⁸ There are programs, such as the Equal Justice Initiative (EJI; <http://eji.org>), which

are committed to fighting this inequality in the court system and inequalities in the justice system more generally. EJI staff publish research, give educational presentations (such as in schools and at faith-based organizations and community groups), and also provide "legal representation to people who have been illegally convicted, unfairly sentenced, or abused in state jails and prisons."⁴⁹

"The criminal justice system, our legal system, was designed by people who are white, wealthy, and who are highly educated. And so my challenge every day as a judge is to make this system work for people who are of color, who are not as educated, and not as wealthy."⁵⁰

—Judge Elijah Williams, 17th Circuit Court of Florida

Other community-level changes might involve improving resources, such as schools and hospitals, in disadvantaged neighborhoods. An important step in this process is creating trauma-informed schools. Children from disadvantaged backgrounds may attend schools that are not aware of or sensitive to the impact of their childhood experiences, such as ACEs and toxic stress, and these youth can be misunderstood. Behaviors that teachers might perceive as student apathy could actually be a skills gap. For example, a teacher may call out a student for not paying attention if he or she is unable to repeat back information that was just stated in class, but the student may in fact have a working memory deficit.

Safety-net programs can work with school and community partners and share information about toxic stress and ACEs to help these community systems better understand the individuals in their care. The following two case studies describe programs that have targeted their services to address the needs of at-risk youth, one at the school level and the other at the community level.

School-Based Intervention: Lincoln High, Walla Walla, Washington

From 2009 to 2013, Lincoln High in Walla Walla, Washington, worked to become a trauma-sensitive institution. Trauma-informed schools help create a safe environment where judgment, blame, shame, and punitive action are replaced with caring adults who are consistently present in students' lives and support their ability to be resilient. Lincoln's staff were trained to understand ACEs and brain development, and new practices for interacting with students were instituted that responded to research on trauma.⁵¹

Lincoln High students were able to build resilience through the presence of caring adults, something many of them did not have before. Students learned to express their feelings, develop self-esteem, show empathy, and develop their critical thinking and communication skills. Since implementing the trauma-sensitive approach, Lincoln High experienced an 85% drop in suspension days, and graduation rates rose by five times. Students on average achieved a 52% increase in reading scores and a 55% increase in math scores, as well as 60% fewer office referrals, 75% fewer fights, 90% fewer suspensions, and a threefold increase in seniors bound for college.⁵²

A student described the impact of Lincoln's program: "*The most significant change is that I finally figured out what I want to do with my life and that I have friends, students, staff, and my family (which may as well be the people of Lincoln as well as my parents) there to support me...*"⁵³

Community-Based Intervention: Fresh Path, Jacksonville, Florida

Fresh Ministries is a nonprofit in Jacksonville, Florida, that launched the Fresh Path program in early 2015. The program serves young offenders ages 14–24 by offering them educational supports such as mentoring and tutoring, along with work readiness training and employment supports. Fresh Path was initiated with the support of a grant from the U.S. Department of Labor in July 2014 and involves a network of community partners.⁵⁴ To date, the program has served 244 individuals. Case managers administer the Online Work Readiness Assessment (<https://owra.icfi.com/owratanf>), which is designed to identify individual strengths and barriers to assist in developing a personalized case plan.⁵⁵

Other program components include job training, placement, and coaching. The program offers holistic services for youth and their families. For example, Stephen Covey's *The 7 Habits of Highly Effective Families* is used to teach soft skills like positive communication, care for self, goal setting, and time management. As a result of a partnership with the State Attorney's Office, youth who complete the program can also access assistance when applying for expungement of arrest records.⁵⁶

A Fresh Path participant said of the program: "*I'm off probation now. If it wasn't for Fresh Path keeping me busy with something that could benefit me in the future, I don't know where I'd be...I think I have a chance now at a good life and being successful.*"⁵⁷

To help reduce the incidence of youth justice system involvement, programs can also work to eliminate toxic stress and ACE exposure within a household by improving family relationships. Relationship skills lay the foundation for dealing with ACEs and other stressors by creating resilience, a protective factor that enables individuals to withstand adversity. Although providers in all types of family-serving agencies can make small changes to help improve the resilience of the children they serve, some organizations are in a position to offer complete programs dedicated to improving relationship skills. Implementing relationship education at any scale can help improve outcomes for youth and give them the ability to make healthy choices. Making healthy relationship education available for their families can improve home environments as well. Relationship education could also be valuable as a component of training in government, education, and judicial institutions—thus helping to reduce the incidence of justice system involvement for boys of color at an individual and community level.



The National Resource Center for Healthy Marriage and Families (<https://www.healthymarriageandfamilies.org>) promotes the integration of healthy relationship skills into social service delivery systems as part of a holistic approach to strengthening families. The Resource Center has a web-based library with over 1,400 research-based resources, in addition to a virtual training center with online courses. Free training and technical assistance is also available to support human

services agencies in efforts to integrate relationship education with services. The Resource Center focuses its work around four core relationship skills, two of which are particularly vital for youth at risk for justice system involvement: conflict management and communication. Conflicts are inevitable in life, but how conflicts are resolved makes an important difference. Teaching youth conflict management skills may help them act appropriately when dealing with police officers or teachers. Additionally, it is important to educate law enforcement officials and other authority figures about appropriate conflict management, especially when responding to youth. Further, youth from distressed communities often lack the communication skills necessary to get along at home, in school, in the workplace, or in their communities, which can similarly lead to conflict with authority figures.

To break the cycle of youth involvement in the juvenile justice system, we have to shift the way we think about and respond to youth who are at risk for or engaged in criminal activity. By focusing on improvements to education and access to resources, we can begin to reduce rates of youth incarceration and provide more effective prevention and intervention strategies. In the justice system, one way youth arrests can be reduced is by increasing the use of civil citations. Civil citations are pre-arrest diversion programs where juveniles can go instead of facing incarceration and the associated burden of a criminal record. The programs use community resources to help change the direction of juvenile offenders' lives and hopefully prevent future incarceration.⁵⁸ Engaging in alternate approaches like this to handling juvenile crime, coupled with community-level changes to the systems that unfairly keep certain families from getting ahead, is an important start to the process of unraveling the nationwide disparities in justice system involvement.

Acknowledgments

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