Day One

8:30 AM – 9:00 AM  BREAKFAST
9:00 AM – 9:45 AM  RECAP OF DAYS 1 & 2
9:45 AM – 11:00 AM MODULE 9: BUILDING COMMUNITY CAPACITY FOR JUVENILE JUSTICE REFORM
11:15 AM – 12:30 PM SAN DIEGO PRELIMINARY ASSESSMENT FINDINGS
12:30 PM – 1:15 PM  WORKING LUNCH
1:00 PM – 5:00 PM  ACTION PLANNING
"We live in a country that is addicted to incarceration as a tool for social control. As it stands now justice systems are extremely expensive, do not rehabilitate but in fact make the people that experience them worse and have no evidence-based correlatives to reducing crime. Yet with that track record they continue to thrive, prosper and are seen as an appropriate response to children in trouble with the law. Only an addict would see that as an okay result."

- James Bell, W. Haywood Burns Institute
The Juvenile Justice System

The Juvenile Justice system has two generally agreed upon purposes. These are to:

1. Care for and Rehabilitate the Child

2. Protect the Community
“Secure Confinement”
Legitimate Use of Secure Confinement

Youth are only supposed to be securely confined when they pose a significant risk of:

1. Re-Arrest

2. Failure to appear (FTA) in Court
The Effectiveness of the JJ System

- Does it Further Public Safety?
- Does it Provide Good Care?
- Is it Cost Effective?
Legitimate Use of Secure Confinement

Youth are only supposed to be securely confined when they pose a significant risk of:

1. Re-Arrest

2. Failure to appear (FTA) in Court
Insanity is doing the same thing and expecting different results.
The Cycle of Incarceration in Communities of Color

- Under-resourced & dis-organized communities
- Economically-driven prison enterprise
- Youth crime & delinquency
- Reactive Policy & Laws
- Public Fear

Sensational Crime

- Media Coverage
- “Something must be done!”
- Political Pressure
Much of the behavior which brings youth of color into the juvenile justice system is common across race, ethnicity, geography, and socioeconomic status. Most juvenile behavior for which youth could be arrested never comes to the attention of the juvenile justice system.
Violent Juvenile Crime

% Difference from the 24 year average


-80% -60% -40% -20% 0% 20% 40% 60% 80%

Violent Victimizations with Juvenile Offenders
Juvenile Violent Crime Index
Public Fear

1.3.2

- Under-resourced & dis-organized communities
- Economically-driven prison enterprise
- Youth crime & delinquency
- Reactive Policy & Laws
- Public Fear

- Sensational Crime
- Media Coverage
- “Something must be done!”
- Political Pressure
“Based on all that we have witnessed, researched, and heard from people who are close to the action, here is what we believe: America is now home to thickening ranks of juvenile “superpredators” – radically impulsive, brutally remorseless youngsters, including ever more pre-teenage boys, who murder, assault, rape, rob, burglarize, deal deadly drugs, join gun-toting gangs and create serious communal disorders… At core the problem is that most inner-city children grow up surrounded by teenagers and adults who are themselves deviant, delinquent, and criminal.”

John Dilulio, William Bennett, and John Walters in “Body Count” (1996)
Reactive Policy & Laws

- Under-resourced & dis-organized communities
- Economically-driven prison enterprise
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1.3.3
In response to sensationalized media reports about “killer kids” and “juvenile superpredators” legislators around the country passed laws to show the public they were “tough on crime.” Between 1992 and 1997, all but three states in the nation changed laws that made the juvenile justice system more like the adult criminal justice system in the following ways:

1. Trying Youth as Adults
2. Longer Sentences
3. Removing confidentiality protection
4. New Juvenile Prison Technology
In reality, serious and violent juvenile crime was already decreasing, but a crackdown on juveniles was already underway. A system had been designed to catch the coming wave of “juvenile super-predators” – but they never came. Instead, the juvenile justice system became filled with low risk but high need youth punished for minor crimes.
Economically-driven Prison Enterprise

- Under-resourced & dis-organized communities
- Economically-driven prison enterprise
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Economically-driven Prison Enterprise

- Wilkes-Barre, Pennsylvania
- Upstate New York
- Walnut Grove, MS
Under-Resourced and Dis-Organized Communities

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Sensational Crime

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When youth are incarcerated in facilities separated from the community, the community loses on several levels:

- Communities lose their youth.
- Communities lose the money that could be invested in services.
- Communities lose the experience of supervising and supporting youth in conflict with the law.
Question

If violent crime by young people has decreased but incarceration of youth has increased, who were we locking up?

Answer: youth who are low risk but high need
High-Risk vs. High-Need

- There is a distinction between youth who are high-risk to public safety, and youth who are high-need.

- In the absence of social services and community support, the juvenile justice system has become the default social safety net for high-need youth.
Module 2:
A Walk Through the Juvenile Justice System

“What is typically called the juvenile justice ‘system’ is far more complex, complicated, confusing, and confounding than the term itself would suggest... So what is called a system may be something more like a nonsystem.”

- Donald Shoemaker & Timothy Wolfe
What Works? Effective Juvenile Justice Interventions

“In the 1970's, the message issued by the research community concerning the use of prevention and treatment programs for juveniles was that "nothing works." This unfortunate and, as it turned out, erroneous conclusion, together with increasing serious juvenile delinquency, fueled confinement of larger numbers of juveniles throughout the 1980's… Now we find that treatment programs for juveniles do work – and were working all the while.”

“Nothing Works”

- The failure of community corrections to change delinquent behavior has led many practitioners to conclude that “nothing works with these kids…”

- Martinsen (1974) in *The Effectiveness of Correctional Treatment: A Survey of Treatment Evaluation Studies* reported that:
  - programs he studied had “no appreciable effect - positive or negative - on rates of recidivism of convicted offenders”
  - “rehabilitative efforts that have been reported so far have no appreciable effect on recidivism.”
What is Recidivism?

Recidivism: “a tendency to relapse into a previous condition or mode of behavior”

(Merriam-Webster)

In the juvenile justice system, recidivism can mean:

- Re-Arrest
- Re-Conviction
- Return to Prison
- Violation of Conditions of Release
3.3 C.

Reasons for Failure

Too often, young people’s failure in juvenile justice intervention programs and subsequent incarceration is due to non-compliance with court-imposed conditions that have relatively little to do with public safety.
Alternate Definition of Success

- CCFY’s preferred definition of “success” for community-driven alternative to incarceration programs is:

1. Is the program able to keep young people from re-offending in ways that harm the community?

2. Does the program have the ability to move young people along the path of healthy development towards positive adulthood?
Evidence-Based Interventions

While it was once thought, “nothing works” with juvenile offenders; there is now clear evidence that many approaches have a measurable effect on reducing recidivism among youth.
Evidence-Based Interventions

While it was once thought, “nothing works” with juvenile offenders; there is now clear evidence that many approaches have a measurable effect on reducing recidivism among youth.
CCFY’s Best Practice List

- Low Youth to Staff Ratio
- Comprehensive Intake Assessments
- Intensive Case Management
- Strong Referral Network
- Culturally Competent Staff (& Volunteers)
- Asset-based Youth Development Approach
- Impeccable Documentation
The Principles of Effective Intervention

Studies of multiple programs, or *meta-analysis* shows that more important than the specific program model are the following key *principles* that cut across effective interventions:

1. **The RISK Principle**: the length and intensity of the services should be matched to the *risk* level of the offender.

2. **The NEED Principle**: interventions should target the specific *needs* that directly contribute to continued offending.
The Principles of Effective Intervention

- **RESPONSIVITY Principle**: the style of service delivery must be matched to the individual young person; staff must work with each young person in a flexible, individualized, customized manner.

- **The INTEGRITY Principle**: the services must be implemented by competent staff who follow the principles that made the intervention successful originally.
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CCFY promotes approaches that build on the natural strength of the community and the young person.

1. **Organic Relationships**

Lambert and Bartley (2002) found that participants who successfully completed alternative programs cited the following factors as most important for their behavioral change:
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Module 4:
Assessing Risk, Needs, and Strengths

“The problem perspective tends to isolate and control problem youth. The juvenile justice system is perhaps the most extreme example of this mindset. Young people are assets to be valued rather than problems to be controlled.”

- William Barton & Jeffrey Butts
What risk factors are the strongest predictors of youth re-offending?

- Anti-social Attitudes
- Anti-social Peers
- Low Self-Control
- Dysfunctional Family Ties

Sheperdson & Bello (2001)
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- Anti-social Peers
- Low Self-Control
- Dysfunctional Family Ties

Sheperdson & Bello (2001)
4.2 B.

Why is assessing risk important?

We need to assess risk so that we know:

1. What level of service / supervision a young person needs or does not need.
2. What specific behavior the young person is doing that presents a threat to the safety of the community.
3. We are adequately prepared to address the specifics of that young person’s situation.
THE RISK PRINCIPLE: the intensity of the intervention should match the young person’s risk of re-offending.

- Youth who are **HIGHER** risk to re-offend require *more* supervision and services

- Youth who are **LOWER** risk to re-offend require *less* supervision and services
Common violations of the RISK principle

- Providing too little supervision and services for high risk youth
- Providing too much supervision and services for low risk youth
The NEED Principle: the services provided should target the needs most likely to lead to re-offending

- Youth have numerous needs but not all of these are criminogenic
- Services should target criminogenic needs
- Programs can address non-criminogenic needs, but services for these needs should not be mandated or under threat of sanction
It is important for community-based programs to develop individualized strategy plans for youth that address their individual needs. These plans should MANDATE services for criminogenic needs, but have OPTIONAL programming/services for social service (non-criminogenic) needs.
4.3 D.

**Common violations of the NEED principle**

- Confusing *criminogenic* and *non-criminogenic* needs
- Committing to serve youth whose *needs* are greater than program *capacity*
- Sanctioning youth for failure to comply with *mandates* for NEEDS that have little to do with RISK.
The justice system is primarily concerned with RISK. Juvenile justice interventions are often focused on NEEDS. Given the multiple risks and needs swirling around youth in the juvenile justice system, we often forget to look at STRENGTHS.
### The Strength Perspective

#### 4.4 A.

## The Strength Perspective

### Changing the Frame

<table>
<thead>
<tr>
<th><strong>ASSUMPTIONS</strong></th>
<th><strong>Youth as Victim</strong></th>
<th><strong>Youth as Villain</strong></th>
<th><strong>Youth as Resource</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Origins of Most Delinquent Behavior</strong></td>
<td>Symptom of underlying disturbance</td>
<td>Anti-social impulses, lack of restraint due to permissiveness and the absence of punishment</td>
<td>Normative response to adolescent needs for status, belonging, power &amp; excitement, lack of empathy</td>
</tr>
<tr>
<td><strong>How Delinquent Youth Compare with Other Adolescents</strong></td>
<td>Fundamentally different in psychological and emotional makeup</td>
<td>Fundamentally different motivations and impulses toward deviant behavior</td>
<td>Largely similar to other adolescents but with fewer social assets</td>
</tr>
<tr>
<td><strong>Delinquent Youth Capacity for Behavior Change</strong></td>
<td>Incapable of conventional behavior without therapeutic interventions</td>
<td>Incapable of conventional behavior without strict discipline and the threat of punishment</td>
<td>Inherently capable of conventional behavior with sufficient access to supports and pro-social opportunities</td>
</tr>
<tr>
<td><strong>Principal Intervention Strategy</strong></td>
<td>Individual or family-based therapeutic treatment</td>
<td>Deterrence and retributive punishment</td>
<td>Skill development, attachment and engagement</td>
</tr>
<tr>
<td><strong>Role of Treatment</strong></td>
<td>Primary</td>
<td>Secondary</td>
<td>Secondary</td>
</tr>
<tr>
<td><strong>Risks of Treatment</strong></td>
<td>Could fail to address underlying cause(s)</td>
<td>Could delay or impede deterrence</td>
<td>Could introduce stigma or harm—i.e., iatrogenic effects</td>
</tr>
</tbody>
</table>
4.4 A.

Key Principles of the Strengths Perspective

- Every individual, group, family and community has **STRENGTHS**

- Practitioners best serve clients by **collaborating with** them

- Every environment is full of **resources**

  (Saleeby, 2006)
The juvenile justice system is notorious for categorizing youth solely according to their deficits. Without ignoring the very real needs that youth have, and some of the risk factors that threaten community safety, community-based programs can make a conscious effort to practice STRENGTH-based or ASSET-based thinking in working with system-involved youth.
System Partnerships

“Some of the most valuable policies for dealing with delinquency are not necessarily those designated as delinquency policies.”

- Edwin Schur

Radical Non-Intervention: Rethinking the Delinquency Problem (1973)
Intrinsic vs. Extrinsic Motivation

- Children at play received rewards from adults for playing with certain toys
- When the rewards were taken away, the children avoided playing with the toys for which they had previously been rewarded
Intrinsic vs. Extrinsic Motivation

- An activity is *intrinsically* motivating if a person does it voluntarily, without receiving payment or other type of reward.

- An activity is *extrinsically* motivated if it is performed primarily for external reinforcement such as food or money.
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Cycle of Mandate

Pre-Mandate Antisocial Behavior

Post-Mandate Anti Social Behavior

Pro Social Behavior under Mandate
Benefits of Mandates

- Help ensure attendance and participation due to threat of sanction for non-compliance
- The juvenile justice system provides an additional source of accountability & supervision

“If I hadn’t been forced to go to this program I would probably still be running the streets. I didn’t want to go, but they forced me and it probably saved my life.”

- Often mandates are more for the benefit of the program or the system stakeholder than the young person
Cost of Mandates

- Mandates reduce intrinsic motivation
- Mandates roster resistance & resentment on the part of youth
- Mandates reduce provider ability to provide unconditional support and confidentiality

“I’m only here because they’re making me go. The minute I’m off Probation I’m out of here.”
Cycle of Mandate

Pre-Mandate Antisocial Behavior → Pro Social Behavior under Mandate → Post-Mandate Anti Social Behavior → Pre-Mandate Antisocial Behavior
Net Widening occurs whenever a young person is mandated to participate in a program or service that would not have been essential for them to avoid incarceration.

Even if the program provides services that are good for the young person, the mandate is inherently harmful in that it increases the likelihood of future incarceration for non-compliance.
The Widening Net

- Initial Offense
- Substance Use
- Truancy
- Non Compliance
CCFY Recommends...

This underscores the need for programs that provide:

- Long-term SERVICES
- Short-term SUPERVISION
- Or even NO MANDATES AT ALL
Accountability & Reporting

“Every judge’s worst fear is waking up to a newspaper headline announcing the offender they just released to community supervision has committed a horrific crime.”

-Former Bronx Juvenile Rights Attorney
Credibility with the Justice System

To gain (and maintain) credibility, alternative-to-incarceration & diversion programs must:

- **Balance** the best interests of youth and community safety
- Report Honestly and **Accurately**

Credibility is key. A credible program with a good reputation can often convince the courts to release a young person who would otherwise be confined.
Balancing Act

Community Safety

Protecting the Young Person

Protecting the Community

Youth Needs

Staying Home

Freedom

Personal Growth
Gaining and Losing Credibility

The credibility of community-based programs with the juvenile justice system is largely based on the quality of their reporting with the justice system.

1. Don’t Report, Report Late, or Report Inaccurately
2. Conceal Information
3. Always Side with the Prosecutor/Defense
4. Never Reject a Referral or Terminate a Case
5. Report Different Facts to Different Parties at Different Times
How to Maintain Credibility

1. Always Submit Timely & Accurate Reports
2. Disclose Critical Information
3. Balance Community Safety & the Best Interests of Youth
4. Decide Who You WON’T Serve and Know When to Terminate
5. Report the Same Thing at the Same Time to All Parties
Many programs have the capacity to provide excellent services to youth. But lack the capacity to provide adequate reporting to the courts.
Tips for Testifying

- Testifying in court is a skill that requires the reporter to stay cool under pressure and think on his or her feet. A good reporter must know the material and possess the verbal skills to articulate why their position stands up under scrutiny.
Module 7:

Essential Program Components

“Programs don’t change lives, relationships do”

- Douglas Knepper, LCSW
In a healthy, well-resourced, well-functioning system, a community program has the luxury of focusing simply on the discrete unit of service it provides. Other programs and services, coordinated by a responsible third party, meet the rest of the needs.
Non-Compliance or Unmet Needs?

Youth in the justice system are viewed strictly in terms of their *RISKS*.

Yet beneath the behaviors there are often unaddressed *NEEDS*.
Broken Systems

- In a broken, under-resourced, dysfunctional system, it is often the community program who takes on the burden of addressing all the various youth needs.

![Diagram showing various needs: Substance Abuse, Family Support, Mental Health, Education, Housing, and a question mark in the center.](image-url)
## Tatiana’s Story

<table>
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<th>The Youth-as-Villain Assumption</th>
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### Tatiana’s Story

- **What program services would you put into place to meet Tatiana’s needs? Which services would be mandatory and which would be optional?**

<table>
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<th>The Behavior</th>
<th>The Formal Intervention</th>
<th>The Informal Support</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fighting</td>
<td><strong>Anger management</strong></td>
<td><strong>Family strengthening to address Tatiana’s underlying relationship needs, help her develop better skills to cope with conflict</strong></td>
</tr>
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Essential Program Components

- LOW YOUTH-TO-STAFF RATIO
- INTENSIVE CASE MANAGEMENT
- STRONG REFERRAL NETWORK
- CULTURALLY COMPETENT STAFF & VOLUNTEERS
- ASSET-BASED YOUTH DEVELOPMENT
- IMPECCABLE DOCUMENTATION
Developing an Individual Strategy Plan (ISP)

A. Keeping it Simple

When developing an ISP, simplify the process by identifying:

- The most dominant RISK factor
- The most dominant NEED
- The most dominant STRENGTH
Module 8:

Helping Youth Change

“Truth drawn out from within is always more powerful than truth imposed from without”

Rev. Alfonso Wyatt
Prchaska & DiClemente’s “Six Stages of Change” From Miller & Rollnick (1991) “Motivational Interviewing”
Ineffective Communication Styles

- Enabling
  - Indirect
  - “Touchy Feely”
  - Non-Specific
  - Sympathetic

- Authoritarian
  - Demanding
  - Hostile
  - Blaming
  - Confrontational
What DOES Work

8.2.B

BALANCED

GRADUATED REWARDS & SANCTIONS

FOCUSED

DIRECTIVE

SKILL BUILDING
Motivational Interviewing

- *Motivational Interviewing (MI)* is a directive, client-centered counseling style for eliciting behavioral change by helping clients to explore and resolve ambivalence.
Factors Influencing Change

- **Readiness**
  - Where we are in the stages of change

- **Importance**
  - The value we attach to change

- **Confidence**
  - Belief in our ability to change

Miller & Rollnick (2002)
## The Decision Chart

<table>
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<tr>
<th>STAYING THE SAME</th>
<th>BENEFITS</th>
<th>CONCERNS</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Feels good</td>
<td>- I’ll get locked up if I have another dirty urine</td>
<td></td>
</tr>
<tr>
<td>- Calms me down</td>
<td>- Costs money</td>
<td></td>
</tr>
<tr>
<td>- Fun to do with friends</td>
<td>- Trouble concentrating in school</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Makes me slower on the basketball court</td>
<td></td>
</tr>
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<th>BENEFITS</th>
<th>CONCERNS</th>
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<tr>
<td>- I could complete Probation</td>
<td>- I don’t know if I can do it</td>
<td></td>
</tr>
<tr>
<td>- My mom would be proud</td>
<td>- My friends would think I was lame</td>
<td></td>
</tr>
<tr>
<td>- I could do better in school</td>
<td>- I don’t know what I would do to calm down when I get stressed</td>
<td></td>
</tr>
<tr>
<td>- I could run faster on the basketball court</td>
<td></td>
<td></td>
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</table>

Adapted from Orbis Partners
Technique: O.A.R.S.

- Open-Ended Statements
- Affirmations
- Reflective Listening
- Summarizing