

Engaging Juvenile Justice System-Involved Families

Antoinette Davis, Angela Irvine, and Jason Ziedenberg



Table of Contents

Introduction. 1

Engage Families and Communities in a Restorative Manner 3

Build Capacity for Reform and Fund Communities Most Impacted 7

Include Impacted Communities on Advisory Boards and Commissions10

Summary11

Information

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>

Acknowledgments

The Public Welfare Foundation provided funding for this publication.

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

Introduction



A network of agencies—juvenile courts, probation, detention centers, and service providers—frames the juvenile justice system. This composite of players is tasked with safeguarding public safety and coordinating services that facilitate the rehabilitation of youth offenders. Too often agencies have approached these tasks independently, failing to work in partnership and essentially excluding those most affected and at risk of violence—justice system-involved youth, families, and individuals residing in areas most affected by violence. At the same time, juvenile justice agencies often have restricted their responses to delinquency, resting in what some describe as a love affair with exclusion, punishment, and incarceration.

“The mandate of youth justice is not youth but public safety. And for 200 years public safety in this country has meant stiff penalties and an addiction to incarceration. We are not going to get over that addiction to incarceration in 12 steps.”—James Bell, Founder and Executive Director, W. Haywood Burns Institute

A variety of actors—advocates like Bell, justice system-involved families, and juvenile justice leaders—vehemently challenge this traditionally narrow notion of public safety. They are pushing for agencies to halt unnecessarily punitive and restrictive practices and address institutional biases that lead to prejudicial treatment of justice system-involved

youth and families. They also want agencies to engage families in youth supervision and treatment decisions and provide support and services for families when necessary. Advocates note the fundamental differences between the mission of juvenile justice and that of other child services fields such as child welfare, mental health, and education. While these systems also are challenged, their missions are clearly grounded in assisting rather than punishing children.

Reform leaders are calling for restorative practices that allow youth to remain in home and school settings, help system-involved families heal, and keep communities intact. As the bulk of youth offenders do not pose significant danger to anyone, much of their behavior can be addressed in the community and does not necessitate the involvement of law enforcement or punitive responses that lead to incarceration. As one participant in the National Council on Crime and Delinquency (NCCD) study on deincarceration stated, "Some kids simply don't belong in the juvenile justice system, so keep them out."

Through a series of interviews and state-based focus groups with juvenile justice leaders, including parent and family advocates, NCCD learned that some juvenile justice stakeholders are:

- Engaging families and communities in a restorative manner;
- Building capacity of community-based organizations and parent advocates; and
- Including impacted communities on advisory boards and commissions.

Advocates and families continue to challenge institutional policies and biases that deny caregivers a voice in the outcomes of their system-involved youth, and a variety of prominent agency leaders are committed to seeing the same. All acknowledge that families are a key component to supervision strategies and improved outcomes. Although the pace may be slower than what many desire, NCCD found that some jurisdictions are making progress toward changing longstanding practice. They are concentrating on forging and improving relationships with justice system-involved youth and families.



Engage Families and Communities in a Restorative Manner

Systems can engage families and communities in a restorative manner by breaking down walls, respecting the roles of government agencies and community-based organizations, redefining safety, and providing appropriate treatment.

Break Down Walls

In interviews and focus groups, juvenile justice stakeholders reported that a formidable wall often separates families of justice system-involved youth and the collection of agencies that supervises and provides services. Juvenile justice agencies report being overwhelmed by the numbers of youth funneling through their doors and frustrated by the lack of effective options to help youth. They find it difficult to work with families who are often challenged and resent the involvement of outsiders. Families, on the other hand, feel powerless and begrudge systems' reluctance to share power. They are largely excluded from decisions regarding their youth and characterized as unfit, negligent, and apathetic. Families often are assumed to be the primary causes of their children's criminal activity or problematic behavior. As one parent advocate stated, "My son might be under the custody of the state but he's still my son and I want to be part of every decision you guys make." This respondent also highlighted the divergent roles of parents and professionals in the system: "The system is looking at the mistakes that my child made and how to punish him. You're not looking at what strength my child comes with. You're not looking at what I know about my son."

Youth are members of families and communities; others members of these spheres must be recognized and integrated into supervision and case planning. Supervising agencies must creatively connect to youth and work to build understanding and engage families. In cases where families are struggling with addiction,

mental or physical health, or financial issues, this may require providing services to keep families intact, healthy, and sheltered. As respondents noted, supervision and case planning can be strengthened with assistance and buy-in from parents. Alone, supervising agencies can go only so far. System leaders must recognize that their influence and intervention is limited; the best supervision strategy and intervention can fail without the help of key adults.

Jurisdictions, including the District of Columbia and Jefferson County, Alabama, have used Youth Family Team Meetings (YFTM) to support youth and engage relevant adults and family members. YFTM is a strengths- and needs-based approach designed to identify the needs of youth, provide a combination of services and support to meet those needs, and ensure that families and service providers understand their roles in meeting them. A key aspect of the model is that it allows direct input from youth; they decide who participates and where the meetings take place. Youth also work directly with YFTM team members to identify strengths, needs, and appropriate services.

In Jefferson County, YFTM helps support high-risk male probationers assigned to the intensive supervision caseload. As an Alabama representative noted, through the YFTM process everyone is given an assignment; for example, a parent may be tasked with finding a service or investigating a program for a child. This means that probation officers are not always "trying to fix everything."

The YFTM team in Jefferson County consists of the program coordinator—a specially trained juvenile probation officer who explains the YFTM process and facilitates the meetings—and a community care advocate who is charged with helping youth access resources and services in the community. Other

participants are identified by youth and often include family members, pastors, and teachers. Although Jefferson County YFTM focuses on a specialized population of high-risk male probationers assigned to the intensive supervision caseload, the county's probation department employs this technique on a daily basis and with all youth.

Respect for Roles

"I actually bring a different perspective. I don't think it's a zero-sum game. I don't think that community-based providers have the answer; and I don't think juvenile justice has the answer by themselves. I think that we have to work together. The problem is that we're always pitted against each other."—Brian Lovins, Assistant Director, Community Supervision and Corrections Department, Harris County, Texas

Juvenile justice system-involved youth face complex issues. Although the camps are generally alienated from each other, a variety of individuals—professionals, para-professionals, and lay people—need to be involved in the supervision and rehabilitation process. Concrete roles exist for justice professionals, monitoring agents, therapists, service providers, parents, caregivers, mentors, and community-based providers. All of these roles need to be respected.



Clearly, in some instances, law enforcement and other professionals must intervene and respond to juvenile delinquency. However, responses from these systems should not lead to the habitual severing of ties between youth and caregivers. Respondents noted that families can be included in the treatment and programming of youth, including young people who are incarcerated. For example, a northeastern department head meets regularly with families of probationary and incarcerated youth to provide an overview of services and programming for youth; parents in turn are given the opportunity to provide feedback and critique programs. As one respondent noted, this process has evolved from venting sessions to joint planning sessions and real critiques of programs.

In Wayne County, Michigan, a network of community-based service organizations provides case management to probationary youth. These organizations perform many of the functions that traditionally have been assigned to probation officers.

Black Family Development, Inc. (BFDI) is one of these organizations within the network of service providers. The program provides culturally sensitive community-based case management to youthful offenders in eastern Wayne County. In addition to traditional tasks like drug screening and electronic monitoring, BFDI provides counseling, other forms of in-kind assistance, and resource and referral services to clients. A key component of BFDI is that a majority of services are provided in clients' homes or community-based settings. Case managers work with youth and families to address and incorporate their specific concerns into treatment plans. As one respondent stated, "A court order may say that a kid needs counseling but I have a mother telling me they need food. Families can't focus on counseling when they are hungry." To this end, BFDI's case managers help families secure food and other basic necessities along with providing supervision services.

Redefine Safety

Respondents stated that once-popular tough-on-crime policies did not improve outcomes; communities were not safer, and delinquency and recidivism rates did not improve as a result of harsh punishment. Few people outside of the prison industry benefited from the policies, and poor communities of color suffered as states locked up thousands of youth. Respondents specifically highlighted institutional biases and the disparate treatment of youth and families of color within the juvenile justice system, noting the number of poor and urban communities decimated by the lack of services and harsh responses to justice system-involved families. Respondents acknowledged that other systems have similar problems and biases, but also noted that most do not have the capability to take away a young person's freedom.

Families, agency leaders, and community members want youth to receive the services and support needed to stop and prevent future unlawful activities. While ideas regarding how to accomplish this goal vary, most respondents agreed that traditional models that are restrictive, exclude families, and isolate youth from their communities usually do more harm than good.

Respondents also reported that some leaders are beginning to recognize that safer communities will not be attained by habitually segregating youth or severing ties to their families or communities of origin. On the contrary, research consistently indicates that out-of-home placement and incarceration does not prevent crime; in fact, it often makes behavior worse.^{i,ii} Data also show that the presence of appropriate adults can improve outcomes for delinquent youth; that presence can also ease the transition for those reentering the community from confinement.ⁱⁱⁱ

"You can see a reexamination by our politicians; many of them have lived in neighborhoods where they're beginning to say, 'Wait, what does public safety mean?'"



"I know what it meant to me when I was in the barrio, so I think that this is just the beginning of a conversation. I think it's a really good and welcome conversation."—
James Bell, Founder and Executive Director, W.
Haywood Burns Institute

Treatment

As one respondent noted, a "my child standard" is needed, i.e., officials must provide the quality of care and services they would want for their own children and families. When one's own child does something wrong, parental instinct generally leans toward offering another chance and using the mistake to teach a lesson, rather than punishment and "throwing the book" at the child. For this standard to be adopted, agencies must develop policies and provide training and examples on how to effectively engage with youth and families.

The District of Columbia and the State of Texas both constructed "bills of rights" for parents of incarcerated children. The documents explicitly state that parents have the right to be actively engaged in the rehabilitation of their youth. These documents are distributed to parents and posted in juvenile facilities. A variety of stakeholders—caseworkers, juvenile justice officials, advocates, and parents—helped form the content of these documents.

The parents' bill of rights for the Washington, DC, Department of Youth Rehabilitation Services states that families are partners in their youth's rehabilitation.^{iv} The Texas Juvenile Justice Department's Parents of Incarcerated Children Bill of Rights describes parents as partners with correctional staff, educators, and treatment providers in their children's rehabilitation. It also states that parents shall be encouraged and assisted to actively participate in the design and implementation of their child's treatment, from intake through discharge.^v

An emphasis on treatment and rehabilitation rather than punishment is also needed for addressing delinquency. Stakeholders noted that systems must treat families with respect; even the most challenging youth and families should be viewed as worthy of services and capable of change. Because youth are part of a microcosm, most have to navigate a larger system of families, friends, and community members. It is inefficient and ineffective to focus services on a system-involved youth who later will be sent home to a family that is not functioning well and/or does

not offer the youth needed support to reconnect with the community. Systems should provide services to families in crisis; this includes in-kind assistance, referrals for drug treatment, job assistance, and counseling. As some study participants said, systems should not send youth home and simply hope for the best. It is important that supervising agencies and other systems do not criminalize families whose youth are delinquent. It also is critical that families receive help and are not penalized for minor infractions.

"Determining what's going on with youth is pivotal. The other thing it gives you is the opportunity to say, 'Something is going on in this household. Let's not criminalize the family too, let's maybe give the family some assistance in determining what's going on.' So we have to do a tremendous restructuring, rethinking, shift the culture in the community and the culture we have at approaching the problem."—Felipe A. Franco, Deputy Commissioner, Division of Juvenile Justice and Opportunities for Youth, New York State Office of Children and Family Services



Build Capacity for Reform and Fund Communities Most Impacted

Engaging with families involves releasing false assumptions. Agencies must assess and respond to the real needs of youth. In describing her interactions with social services and justice system-involved youth, a Northeastern division director highlighted the need for professionals in decision-making positions—probation and social workers—to listen. Like many others interviewed for our study, this stakeholder wanted to know if anything could be done differently by the multiple agencies involved to change the life trajectories of these youth. She noted that most respond with the answer: Nothing. Youth instead describe being pushed out of schools; having nothing to do in the neighborhoods; the lack of parks, recreation programs, and facilities; and the absence of support in their respective communities.

“When I ask, ‘Could we have done more with your family? Is there something that we should have been doing so that you’re not in foster care or you’re not in the juvenile justice system?’ They say, about 60 or 70 percent of the time, ‘Nobody worked with my family. Nobody helped my mother understand me. There wasn’t a father in the house. I didn’t have any role models.’”—Gladys Carrión, Commissioner, New York City Administration for Children’s Services

Working with families takes time. Some families are clearly challenged, struggling with addiction issues and battling to meet basic, daily needs. Even high-functioning families are often confused and frustrated by the complexities of the system. Providing parent and community advocates to assist families can help alleviate this frustration. Respondents noted that many impoverished communities lack infrastructure like parks, recreational activities, and stores, but are rich in human capital. Committed advocates and workers who are steady fixtures and community resources often have been through the systems themselves and are committed to helping.

“I began to realize that those are the kinds of providers we need to connect our kids to because they are really community providers. They come from the same community that the kids come from. They are the same color as the kids be it Hispanic or African American. That, to me, is also part of this close-to-home effort, to try to get some of these indigenous providers that are not corporate.”—Ned Loughran, Executive Director, Council of Juvenile Correctional Administrators

Most indigenous advocates live in the community, understand the struggles, and, unlike many in law enforcement, do not leave for the suburbs after dark.

“We don’t leave the community. We might leave the community for a meeting, but when everyone else goes to their nice suburb, from New York to Pennsylvania, Connecticut, or New Jersey, we stay and deal with the same issues day by day, evening by evening, when the lights go out. And this to me is not Monday through Friday, 9 to 5. If there was an extra day, I would work it. I don’t know how to take a day off because the issues don’t just go to sleep.”—Jeannette Bocanegra, Mother impacted by the justice system and Family and Community Organizer, Community Connections for Youth, New York, New York





Some community-based, nonprofit organizations provide services to justice-involved youth and families on a small- and mid-size scale. Because of their size and lack of resources, they may not be well-known or recognized by government agencies. One NCCD study participant from the faith-based community noted these efforts and the desire of many indigenous people to help heal their own communities. However, most grassroots organizations receive little to no outside funding and are, in essence, providing services that others in government positions are well-paid to provide.

When organizations and individuals are given the chance to partner with government service agencies, they are expected to perform at the level of larger, well-financed organizations. This causes many organizations to appear ineffective, particularly organizations that lack the capacity to evaluate their programs and do not subscribe to evidence-based programming.

“On day one, we can’t expect Morningstar Baptist Church to understand the difference between placement and detention and adjudication. They should be given time to figure things out, to learn who is reliable, and get to know those at the table. We also need time to work with organizations so that folks understand the meaning

and consequences of net-widening and learn important terms, like the difference between risks and needs. This is knowledge that we have and what we do.”—Rubén Austria, Executive Director, Community Connections for Youth, Bronx, New York

Because of this, coaching should be provided to organizations and individuals with a strong desire to help. Expectations should be realistic, as these organizations need time to learn the ins and outs of the field. These groups may not speak the language or share a common lexicon, but they are committed to change and have a variety of skills to offer. Study respondents said that systems must stop being so quick to dismiss these types of people and organizations. Their work within neighborhoods needs to be funded and capacitated, and training should be offered. This will facilitate the use of social capital that already exists in communities and avoid dependency on larger, multi-million-dollar social service agencies. These larger agencies often are chosen based simply on the fact that they present well and know the field’s lexicon, not because they are more effective. Some jurisdictions have taken steps in this direction.

New York City has taken steps to de-professionalize child professionals and use more parent advocates. On the child welfare side, reimbursement rates have been modified to allow voluntary provider agencies to hire parent advocates. New York is also the home of Community Connections for Youth (CCFY), a nonprofit organization that focuses on mobilizing indigenous faith and neighborhood organizations to develop effective community-based alternative-to-incarceration programs for youth.^{vi} CCFY believes that increasing local community capacity to work with youth in the justice system is the key to reducing youth crime and delinquency and improving long-term life outcomes for youth. The organization works to develop the capacity of communities to respond to youthful misbehavior by focusing on the following elements:

- System engagement: Providing expert consultation for juvenile justice agencies on ways to reduce reliance on the juvenile justice system by strengthening partnerships with communities.
- Community capacity development: Training grassroots faith and neighborhood organizations to effectively engage youth in the juvenile justice system.
- System–community partnerships: Facilitating research-based and data-informed partnerships that divert youth from deeper juvenile justice system involvement by growing their connections to the local community.

In Memphis and Shelby County, Tennessee, the Auxiliary Probation Service utilizes trained community volunteers to provide hands-on supervision of juveniles on probation. These auxiliary probation officers (APOs), who provide 100% of field supervision for the court, are tasked with completing the court’s charge to correct, re-educate, and re-direct delinquent youth through regularly scheduled hands-on supervision. An APO visits each youth’s home at least once a week, maintains phone contact at least three times per week, visits the youth’s school, and works

directly with the family as a mentor to the youth’s siblings who reside in the home.^{vii}

In addition to capacitating community organizations, systems must remove unnecessary barriers that prevent community groups and individuals with criminal histories from working with youth. One West Coast respondent spoke about the many obstacles encountered by community-based organizations, particularly those that employ/utilize ex-offenders, when trying to enter institutions. He noted that his community-based organization, Barrios Unidos, has utilized ex-offenders effectively for years to provide services that help young men, mostly Latinos, transition out of prison.

“What do we do with those youngsters that are committing violent crimes? I believe we need to reach into their spirit and soul to bring out their full potential for positive change. We sometimes don’t know how to communicate at their level. What I’ve learned working with youth is to listen, be present, and be consistent ... to touch their hearts and heal their pain to restore the responsibility for the future.”— Daniel “Nane” Alejandre, Executive Director, Barrios Unidos, Santa Cruz, California



Include Impacted Communities on Advisory Boards and Commissions

“When we want parents involved we want them involved 100 percent of the way. We just don’t want to be a bobblehead there to say, ‘Okay, I am only here because they need parents to sit on this committee.’ We (parents) want to be a voice and we want to be able to know that anything we share is going to be valid within the committee.”—Jeannette Bocanegra, Mother impacted by the justice system and Family and Community Organizer, Community Connections for Youth, New York, New York

Lastly, respondents said that systems need to revamp, enhance, and provide resources to advisory boards and commissions to help juvenile justice institutions engage youth, families, and other community partners around the policy reform agenda. Organizations should include community members and parents in these positions, helping them to be active board members and listening to their input. One West Coast respondent spoke of the importance and necessity of “coaching up” and preparing people to sit at the table and challenge systems. “It’s the power dynamic in the room,” the respondent explained. “You have to invest, and most people just invite people from the community to a table and don’t feel it’s their job to invest.”

Similarly, another respondent stated, “we have to invest time and resources in training people, bring enough people to the table so they feel comfortable, 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.” Building capacity to improve the ability of systems to work with the larger community includes providing financial resources and training and making opportunities more accessible so that individuals can participate to their fullest potential.

The W. Haywood Burns Institute provides coaching to community members that prepares them to mobilize

for change and participate in decision-making bodies and advisory boards.

The Community Justice Network for Youth (CJNY) is a program of the W. Haywood Burns Institute, comprising 140 community-based programs, grassroots organizations, service-providing agencies, residential facilities, and advocacy groups in 21 states. CJNY enhances the capacity of community organizations that aim to promote the availability of effective and culturally appropriate interventions for youth of color and poor communities.

New York’s CCFY, mentioned earlier in this report, trains parents of system-involved youth to serve as peer coaches to other justice-involved families in partnership with the New York City Department of Probation. Through its Clergy Court Advocacy Program, CCFY trains clergy and faith leaders in the Bronx to advocate for justice-involved youth. Another CCFY program, South Bronx Community Connection, diverts youth who have been arrested from formal court involvement by connecting them to a network of positive adults and activities in their neighborhoods.

One 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; it 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.

Summary



In the face of these reform efforts, disparities in treatment and outcomes for justice-involved youth, particularly those of color, remain. While large reductions in youth incarceration have been seen across the country, the proportion of youth of color has increased. As a result, systems must continue to find ways to engage families and communities most impacted by the juvenile justice system.

NCCD's analysis of data found that some agencies within the juvenile justice system are beginning to acknowledge the important role of family and

community members in the supervision of delinquent youth; these agencies are working to integrate and engage families in the supervision and rehabilitation of their justice system-involved youth. Advocates and families have spearheaded much of this change as they continue to challenge institutional biases and policies that exclude them from this process and push justice leaders to utilize indigenous resources, including local para-professional and community-based service organizations.