

January 2022

**Council of Juvenile Justice Administrators**  
350 Granite St. Suite 2400  
Hingham, MA 02043

(P) 781.843.2663  
www.CJJA.net

### **Mission**

To provide opportunities to connect, develop and support juvenile justice leaders to strengthen their abilities to implement and sustain transformational practices that will improve outcomes for youth, families and communities.

### **Vision**

"We believe in empowered professionals leading systems that are fair and equitable providing developmentally appropriate treatment for youth to promote safer communities and successful reentry."

### **Core Values**

- Continuous Learning/Continuous Improvement
- Diversity
- Skill Development
- Family Engagement
- Supportive Communities
- Collaboration

### **Executive Director**

Michael P. Dempsey

### **Elected Officers**

#### **President**

Steve Lafreniere, Alabama

#### **Vice President**

Peter Forbes, Massachusetts

#### **Treasurer**

Chris Blessinger, Indiana

#### **Secretary**

Valerie Boykin, Virginia

## **Consequences of Involvement in the Juvenile Justice System**

### *Getting Off Track*

#### **Background**

Leaders of the juvenile justice system continue to challenge themselves to reach higher standards and to implement developmentally appropriate approaches to achieve positive outcomes for youth, families, and support staff who are doing this difficult work. The system has seen a 60% decrease in juvenile arrests, the lowest level in over thirty years.<sup>1</sup> Youth confinement from 2010 to 2019 has been reduced 50%<sup>2</sup> from 2010 to 2019. This is not enough without ensuring that programs provide appropriate mental health assessments and treatment for what we now realize is likely the underlying cause of the delinquent behavior. The field must take a closer look at the youth entering the system. The scientific research on children and adolescents has provided key information on adolescent behavior, the age-related tasks they need to achieve, and how adults and systems can respond to them in developmentally appropriate ways that produce positive outcomes and with consideration to practices that ensure racial justice.

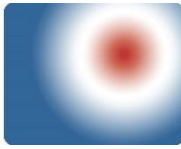
Three tenets of normal adolescent development help us understand youth behavior: susceptibility to peer influence, greater impulsivity, and lack of future orientation (inability to appreciate consequences of their actions).<sup>3</sup> Science tells us that these normal developmental characteristics impact youth behavior and require responses that allow youth to make mistakes, learn from them, and not be liable for them for the rest of their lives. We also now know the high percentages of youth in detained/committed facilities have had exposure to multiple traumas, have mental health and learning disabilities, as well as socio-economic disadvantages. This needs to be addressed along with the inclusion of restorative justice practices as part of treatment.

Youth who get involved in the legal system in some cases experience collateral consequences that go far beyond being held accountable for their actions. While there are programs where they are able to do credit recovery and receive required special education services and help with enrollment in college, system involvement can result in disrupted futures, insufficient educational opportunities, and possible trauma from the experience itself. In the current system, they are often shackled finger-printed and held in locked facilities. Young people who become involved with the system may lose opportunities to acquire necessary and normal developmental tasks which result in positive

<sup>1</sup> Charles Puzanchera, "Juvenile Arrests 2018," *National Report Series Bulletin* (June 2020)

<sup>2</sup> "Easy Access to the Census of Juveniles in Residential Placement," [ojjdp.gov/ojpstatbb/ezacjrp/](http://ojjdp.gov/ojpstatbb/ezacjrp/).

<sup>3</sup> Elizabeth Cauffman et al., *How Developmental Science Influences Juvenile Justice Reform*, 8 UC Irvine Law Review 101 (2018).



identity development, autonomy, and self-worth throughout adolescence, without mindful acknowledgement and planning.

These deleterious consequences do not end after the youth's experience in juvenile court is over or when they turn eighteen. Instead, the record of their arrest, charge and disposition may show up in background checks run by employers, landlords, and colleges, causing further obstacles to their progression to successful adulthood. In addition, these difficult impacts of the juvenile court system are disproportionately applied against youth of color.<sup>4</sup>

Adolescence is a transient period and the youth's opportunities for successful transition into adulthood should be considered. Official records of a youth's encounter with the juvenile justice system should be strictly confidential, except when there are extraordinary circumstances involving a compelling need for the information to be released to protect public safety. There are more suitable ways to address adolescent unlawful activity, such as court diversion programs and restorative justice.

Young people who commit low-level offenses do not require court oversight or sanctions, but may benefit more from receiving community-based services to understand and repair any harm caused by their actions and to address their behavioral health, educational, and other needs. Youth should be offered mental health assessments that would identify exposure to traumatic events, traumatic brain injury, and evaluation of all the DSM-5 disorders associated or first seen in adolescents. They should be offered educational assessments to determine diverse learning and credit recovery needs. Juvenile justice systems can hold youth accountable for their actions in a developmentally appropriate way that is immediate.<sup>5</sup> Accountability must be based on the needs of and the level of risk of youth presents to the community, and the severity of the delinquent act/crime. Adolescents need opportunities to accept responsibility for their actions and, where appropriate, to make amends to affected individuals and communities in order to develop into prosocial adults who appreciate the legitimacy of the justice system. Promoting pro-social supports and services and identifying the root causes of the symptoms that are driving the delinquent behavior, such as socioeconomic disadvantages, exposure to multiple traumatic events, family conflict, substance use and subsequently distorted thinking patterns, rather than a sole focus on the delinquent behavior will help youth build skills and develop capacities they will need to make better decisions and succeed as adults.

## **Position Statement**

The Council of Juvenile Justice Administrators (CJJA) recognizes the potential collateral consequences of juvenile system involvement while also understanding the importance of young people being held accountable for their actions. Having a juvenile record may impede education and employment opportunities, disrupt supportive relationships, and limits access to social services.<sup>6</sup> CJJA supports the

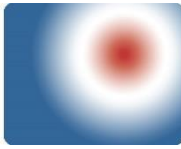
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<sup>4</sup> "Black Disparities in Youth Incarceration", *The Sentencing Project*, (2021)

Benjamin Chambers, "Latino Youth in the Juvenile Justice System – Key Facts," *Reclaiming Futures* (June 2009)

<sup>5</sup> Transforming Juvenile Probation (Baltimore: The Annie E. Casey Foundation, 2018)

<sup>6</sup> National Research Council, *Reforming Juvenile Justice A Developmental Approach* (2013)



following policies and practices for positive youth outcomes that are supported by leaders and partners in the field.<sup>7</sup>

- Accountability as a priority rather than simply criminalization.
- Individualized action planning using validated assessments to identify the primary causes of a youth's delinquent behaviors.
- Alternatives to justice system involvement to minimize juvenile justice interventions when appropriate.
- System interventions and resources that focus on addressing assessed causes, including mental health and substance use treatment needs.
- Minimize supervision and services for youth who are at a low risk of reoffending as they may benefit more from less restrictive settings that provide care within the community.
- Secure treatment for youth only when necessary to determine root causes of behavior, require restorative justice work, and only for the duration necessary to reduce risk for public safety. An awareness and commitment to monitoring and addressing disparities.
- National protocols for sealing and expungement of juvenile records.

#### Additional Reading

OJJDP Model Programs Guide

Leading Factors Contributing to Juvenile Delinquency/BHRC ([baysingerlaw.com](http://baysingerlaw.com))

Annual Cost of Juvenile Incarceration Versus Other Expenditures ([businessinsider.com](http://businessinsider.com))

Sticker Shock: The Cost of Youth Incarceration – Justice Policy Institute

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<sup>7</sup> National Research Council, *Implementing Juvenile Justice Reform* (2014)  
The National Reentry Resource Center, CSG Justice Center, *Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System* (2014)