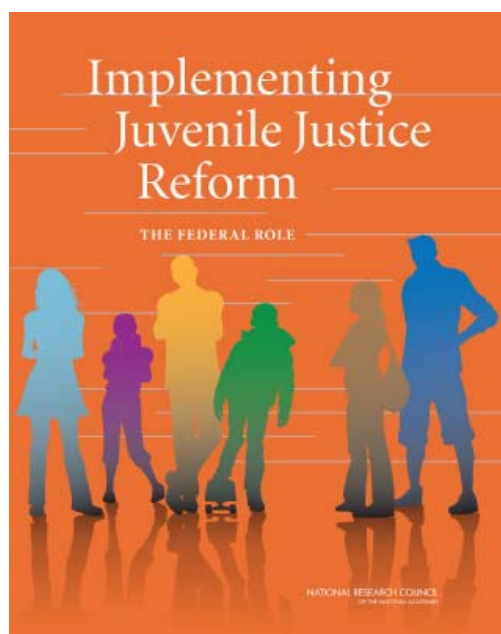


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## IMPLEMENTING JUVENILE JUSTICE REFORM: THE FEDERAL ROLE



Research in recent years has revealed new information about adolescent development that has implications for how society responds to juveniles who offend. Studies have also shed light on interventions that are effective at preventing delinquency, as well as the drawbacks of punitive approaches. An earlier National Research Council report, *Reforming Juvenile Justice: A Developmental Approach*, synthesized research on adolescent development and on the effects of justice system interventions. The report recognized that adolescents differ from adults in three important ways:

- They are less able to regulate their own behavior in emotionally charged contexts.
- They are more sensitive to external influences such as the presence of peers and the immediacy of rewards.
- They are less able to make informed decisions that require consideration of the long term.

The report also noted that programs that aim to reduce risk factors associated with delinquency and violence by fostering prosocial development and by building protective factors at the individual, family, school, and peer levels have been shown to be successful at preventing adolescent re-offending.

A number of state, local, and tribal jurisdictions have taken steps to improve their juvenile justice systems in light of this emerging research, and momentum for reform is growing. However, many more states, communities, and tribes need assistance and are looking for guidance from the federal government -- specifically from the Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP), the sole federal agency charged with addressing juvenile delinquency.

*Implementing Juvenile Justice Reform: The Federal Role*, a report from the National Research Council, identifies ways OJJDP and the federal government in general can support state, local, and tribal efforts and effectively facilitate reform of the juvenile justice system in the United States. It sets forth a detailed and prioritized strategic plan that the federal government should use to support a developmental approach to reform.

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## OJJDP'S ROLE: FACILITATING CHANGE

The Office of Juvenile Justice and Delinquency Prevention should use all of the tools at its disposal — dispensing formula and block grants, providing training and technical assistance, funding demonstration programs, supporting research and data collection, and disseminating information—to support reform efforts focused on a developmentally appropriate juvenile justice system. OJJDP should ensure that all stakeholders and participants in the juvenile justice system are trained appropriately and understand the hallmarks of a developmental approach.

### Building Internal Capacity

OJJDP will need to incorporate a developmental approach in all of its operations. This will require a concerted effort to realign the organizational culture with the new vision.

To support this effort, OJJDP should:

- develop a staff training curriculum based on the hallmarks of a developmental approach to juvenile justice reform. A team made of OJJDP staff from across the agency, with the assistance of external experts, should implement the training curriculum on an ongoing basis.
- establish a better balance between grant monitoring and system reform efforts by examining more efficient ways to monitor grants.

### Supporting State and Local Reform

Leadership of reform within the states may come from a variety of places — grassroots activists, change agent leaders, or policy makers. A potentially critical role can be played by State Advisory Groups (SAGs).

To facilitate reform at the state, tribal, and local levels, OJJDP should:

- develop and strengthen the ability of the State Advisory Groups to be leaders in juvenile justice reform by supporting meaningful family and youthful engagement, fostering partnerships, delivering strategic training and technical assistance aimed at facilitating reform, and ensuring that SAG members and staff are knowledgeable about the hallmarks of a developmental approach to juvenile justice.
- develop a portfolio of training and technical assistance, properly balanced to be both strategic and tactical, to support state, tribal, and local jurisdictions in implementing a developmental approach to juvenile justice reform.
- require all applicants for technical assistance or demonstration project grants to show how

they would use the assistance to implement or strengthen a developmental approach to juvenile justice reform.

- increase its capacity to provide training and technical assistance through partnerships with national organizations.
- develop, in partnership with other federal agencies and the philanthropic community, a multi-year demonstration project designed to provide substantial technical assistance and financial support to selected states and localities to develop a comprehensive plan for reforming the state's juvenile justice system based on a developmental approach.

### Reducing Racial and Ethnic Disparities

Continued racial and ethnic disparities call into question the fairness of the juvenile justice system, and they reinforce social disaffection and disrespect for law among minority youth at a developmentally sensitive time. While reducing such disparities has been a focus of OJJDP for more than a decade, to make better progress, OJJDP should establish new approaches for reducing racial and ethnic disparities across the juvenile justice system, including new data collection, research, demonstration grants, and training. The office should develop new guidelines that require each jurisdiction to identify specific decision points where disparities emerge or are magnified, assess the reasons for those disparities, develop a plan for modifying the policy or practice that appears to be producing the disparities, evaluate the outcomes of the plan, report on the outcomes, and revise and improve the plan if necessary. OJJDP should also assist states with these new requirements and strengthen the role of the State Advisory Groups for monitoring the new guidelines.

### Creating Strategic Partnerships

Developing strategic partnerships will be critical for achieving reform of the juvenile justice system. These partnerships should help OJJDP implement action items such as developing and executing a training curriculum, designing a demonstration grant program, and identifying strategic opportunities to support innovative reform.

To achieve these goals, OJJDP should:

- initiate and support collaborative partnerships at the federal, state, local, and tribal level and use them strategically to advance the goal of a developmentally appropriate juvenile justice system.

## Hallmarks of a Developmental Approach to Juvenile Justice

A developmental approach to juvenile justice means embracing policies and practices at every decision point that are informed by and compatible with evolving knowledge about adolescent development and with research evidence on the effects of juvenile justice interventions. The report identifies seven hallmarks of a developmental approach to juvenile justice that can serve as a template to guide system reform.

**Accountability without criminalization:** Adolescents need opportunities to accept responsibility for their actions and, where appropriate, to make amends to affected individuals and communities. However, given that adolescence is a transient period, when youth are involved in the justice system, measures should be taken to fully preserve the youth's opportunities for successful integration into adult life.

**Alternatives to justice system involvement:** Interventions that aim to prevent re-offending often are more effective if services needed by adolescents are provided within the community and not through the justice system, as long as accountability is also achieved when appropriate. Well-designed community-based programs are more likely than institutional confinement to facilitate healthy development and reduce recidivism for the majority of youth who come to the attention of the juvenile justice system.

**Individualized response based on assessment of needs and risks:** Individualized assessment of the treatment and intervention needs of the adolescent, as well as the risk of subsequent offending, helps to match needs appropriately to levels of supervision and services.

**Confinement only when necessary for public safety:** Even when youth are adjudicated as delinquent, alternatives to confinement often serve the goals of the system. This does not mean that all services need to be provided outside of residential placement, which is necessary for some adolescents from a public safety perspective. Studies have shown, however, that confinement of juveniles beyond the minimum amount needed to deliver intensive services effectively is not only wasteful economically but also potentially harmful, and it may impede prosocial development.

**A genuine commitment to fairness:** Treating youth fairly and ensuring that they perceive that they have been treated fairly and with dignity contribute to several important features of prosocial development, including moral development, belief in the legitimacy of the law, and the legal socialization process generally.

**Sensitivity to disparate treatment:** As perceptions of unfairness have been corrosive to minorities, their families, and communities, jurisdictions' efforts to reduce racial/ethnic disparities are extremely important and can ameliorate the effects of disadvantage and discrimination by reducing unnecessary involvement with and confinement in the justice system.

**Family engagement:** A positive family experience is a central feature of positive youth development, even for system-involved youth. The juvenile justice system has the opportunity and responsibility to encourage family involvement whenever possible, including interactions with law enforcement, court proceedings, service delivery, intervention, and re-integration, in order to produce successful outcomes and to reduce re-offending.

- establish and convene, on an ongoing basis, a Family Advisory Group to the Coordinating Council on Juvenile Justice and Delinquency Prevention, composed of youth and families whose lives have been impacted by the juvenile justice system.
- use the Coordinating Council on Juvenile Justice and Delinquency Prevention to implement key components of reform through interagency, intergovernmental (federal-state-local partnering), and public-private partnering activities with specific measurable objectives.
- work with federal agencies and with the Coordinating Council on Juvenile Justice and Delinquency Prevention to blend or leverage available federal funds to support OJJDP demonstration projects and to provide guidance to eligible grantees on leveraging federal funding at the state or local level.

### Building the Statistical Foundation to Assess Reform

Currently, many jurisdictions develop their own information management systems, making generalizable knowledge and collaborative problem-



solving difficult. To promote consistency across data systems, OJJDP should work with partners and jurisdictions to:

- provide model formats for system structure, standards, and common definitions of data elements. OJJDP should also provide consultation on data systems and opportunities for sharing information across jurisdictions.
- focus research efforts toward specific projects related to a developmental perspective on juvenile justice, capitalizing on an integration of its research and program efforts.

## SUPPORT FROM FEDERAL POLICYMAKERS

Reform of the nation's juvenile justice system grounded in advancing knowledge about adolescent development is a widely supported goal, crossing the usual lines of political disagreement. *Implementing Juvenile Justice Reform: The Federal Role* sets forth a detailed and prioritized strategic plan for the federal government to support and facilitate developmentally oriented juvenile justice reform.

Adequate funding is necessary to hire and retain well-qualified staff and to provide adequate assistance to the jurisdictions. But OJJDP's funding has declined by half in current dollars since 2010, and its discretion in using its funding has been sharply compromised.

For OJJDP to succeed in redefining itself as an agent for juvenile justice reform, it will require support for the change from its parent agencies within the Department of Justice; the resources needed to carry out this change; and the ability to mobilize its staff. Federal policymakers should demonstrate support for a developmental approach to juvenile justice and delinquency prevention and bolster OJJDP's capacity to lead and facilitate system reform. The Department of Justice should authorize, publicly support, and actively partner with OJJDP to provide federal support for developmentally oriented juvenile justice reform in states, localities, and tribal jurisdictions.

By carrying out the recommendations in this report, the federal government will both reaffirm and advance the promise of the Juvenile Justice and Delinquency Prevention Act.

## COMMITTEE ON A PRIORITIZED PLAN TO IMPLEMENT A DEVELOPMENTAL APPROACH IN JUVENILE JUSTICE REFORM

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**For More Information . . .** This brief was prepared by the Committee on Law and Justice based on the report *Implementing Juvenile Justice Reform: The Federal Role* (National Research Council, 2014). The study was sponsored by the U.S. Department of Justice, the Annie E. Casey Foundation, and the John D. and Catherine T. MacArthur Foundation. Any opinions, findings, conclusions, or recommendations expressed in this publication are those of the authors and do not necessarily reflect those of the sponsors. Copies of the report are available from the National Academies Press, (800) 624-6242 or <http://www.nap.edu>, or by visiting the CLAJ website at <http://sites.nationalacademies.org/DBASSE/CLAJ/index.htm>

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