

Developmental Justice

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Introduction



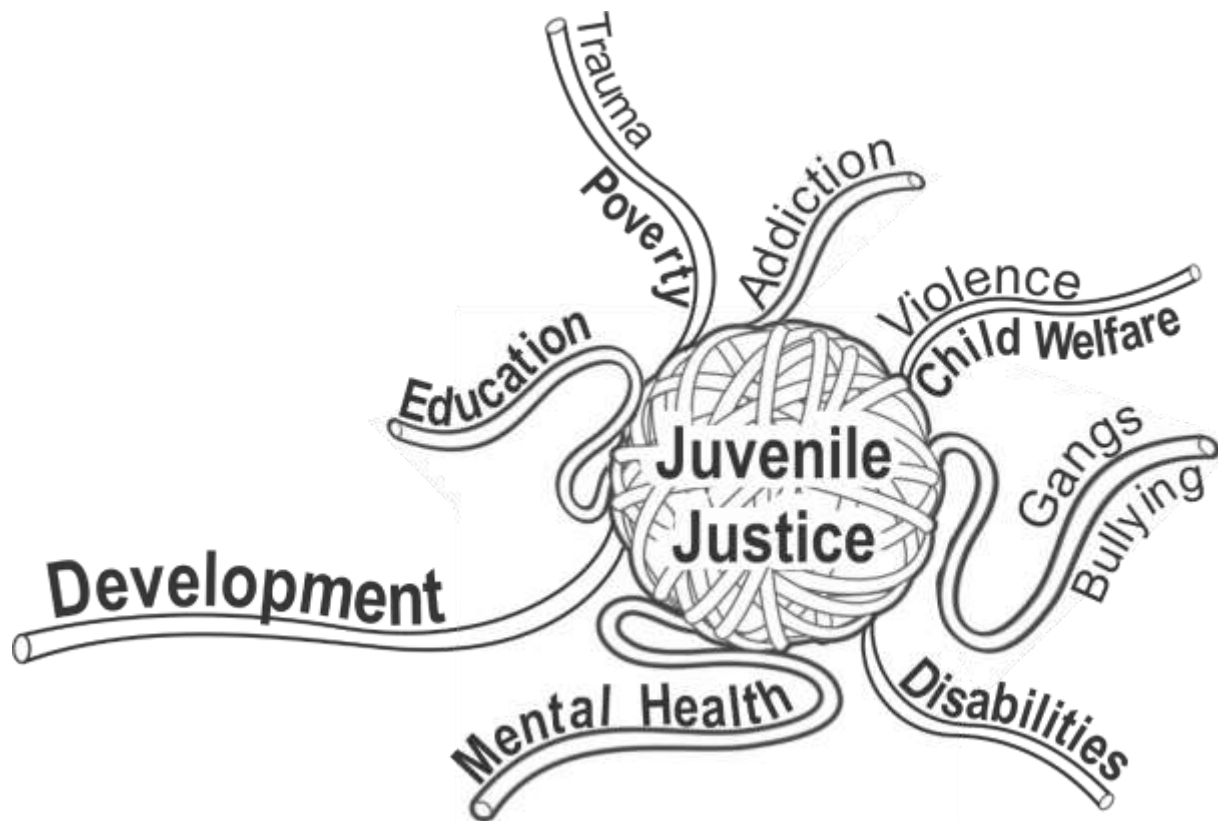
Every society must handle anti-social and unlawful behaviors and actions of children and youth when they occur. In some closely knitted societies, the young citizens enjoy positive role models and an abundance of guidance. These cultures tend to experience very low levels of crime and raise youth who grow up to become contributory citizens like their parents before them. In larger and more complex societies with fewer strong positive role models to broadcast instructions on how to live, youth may experience a widespread inner unsettling that can express on the outside in a variety of ways. Some ways that youth express inner turmoil is to become withdrawn or depressed, self-harm, or become obsessed with friends or characters in a movie or book. Other youth may engage in risky behaviors in order to produce neurotransmitters that excite the mind. Still another group, however, lash out in waves of asocial behavior that can include unlawful and dangerous behavior. This last group is the subject of this book: Youth who have contact with the Juvenile Justice system.

Responding to the complex needs of individual youth and society when a young person commits a crime, especially a crime of violence, is challenging at best. Implicated in each Juvenile Justice case are a wide spectrum of issues that contributed to the mental health, behavioral, and developmental status of the youth. Additional factors affect the stability of the family and community in which the youth resides. The sum total of all these and other factors are part causation and may also be part of the solution. As the science of Juvenile Justice case management continues to grow into the 21st century, the Juvenile Justice programs across the nation remain clogged with an overrun of youth that the system is ill equipped to handle.

While many new advances are uncovering better and better practices to avoid and reduce the incidence of youth involvement with the Juvenile Justice system, the view of the national Juvenile Justice remains dim. While many great initiatives are unfolding with the scope of Juvenile Justice program development, the reality is that our nation is still incarcerating massive numbers of youth and separating them from their families, communities, and schools with misapplied punitive responsiveness. With the majority of children within the Juvenile Justice system suffering from mental health, substance use, or co-occurring conditions, we are looking at a nation who locks up youth in distress and throws away the key.

This book provides an explanation for the challenges in the Juvenile Justice system, including the disproportionate representation of youth who belong to certain ethnic and racial groups. Also covered will be a discussion of the promising new programs and initiatives that are unfolding at this very moment, and a perspective of developmentally appropriate Juvenile Justice programming that may promise of hope to dramatically reduce the number of young people who are monitored, detained, or incarcerated in connection to Juvenile Justice contact.

Emerging methods of scientific investigation include cutting edge models of neuroscience that overlap with research across the domains of psychology, childhood development, and education. *Classroom of Compassion: Heart-Centered & Skillful Response to Mental Health, Behavioral & Emotional Problems* represents a synthesis of the literature with a focus on unique opportunities to employ evidence-based strategies in a revised paradigm that now recognizes the importance of social and emotional learning of the child as a pathway to promote the learning and development of individual students while promoting a safe and effective school culture. Following is a discuss of pertinent topics that include empirically supported strategies, concepts, and techniques to promote student health, learning, and development.

Section I: It's a Jumbled Mess**Chapter 1. It's a Jumbled Mess – Orientation to the Topic**

The nation's youth are bombarded with images of violence, genocide, abuse, and suffering on a regular basis through social media, the news, and on television. Games provide simulated military, battle, and criminal experiences that allow youth to explore what it is like to be a car thief, assassin, or murderer. At the same time, schools are denying any responsibility to ensure the healthy social, emotional, and ethical upbringing of today's youth, instead claiming the responsibility rests solely on the shoulders of parents. Yet, youth are exposed to a plethora of abusive and deviant themes, behaviors, and materials throughout the course of the average school day. Bullying, cyber stalking, and school shootings have turned the classroom into a

youth-oriented demilitarized zone in which children must be alert and on guard at all times to remain safe.

Community violence, gangs, and deep poverty expose still more youth to violence, coercion, exploitation that are beyond the scope of any young person to handle. From sex crimes, beatings, and drugs to drive-by shootings and gang activity, children face incredible challenges just going to and from school. For many children, the home provides still another level of danger. Many youth suffer from exposure to violence, abuse, exploitation, and neglect. Some of the factors that negatively impact the developmental growth of youth include extreme poverty, single parent households who lack stable income or housing, food insecurity, homelessness, parental incarceration, and mental health or medical challenges of parent or child.

The youth's experience on the school front is sometimes no better. Young people who live in low socioeconomic societies often struggle to keep up in schools that are overcrowded, underfunded, and generally inhospitable to attend. Children who have been diagnosed with learning problems, mental health or behavioral challenges, or developmental issues often find school overwhelming and dangerous. Schools typically extend a punitive response to students who are ill behaved, disruptive, or violent, in some cases against the recommendations of mental health professionals who determined that the child required developmental support in order to progress toward wellness and effective living. What is worse, the many factors that negatively impact youth tend to affect one another, pushing children and young adults even farther into rage, violence, unlawfulness, and despair.

This chapter investigates the overall trends taking place within the American Juvenile Justice system by way of a review of the literature. While the statistics are alarming, the good

news is that a clear definition of the current situation provides the information needed to move toward positive change.

Chapter 2. It's a Jumbled Mess – Review of Literature

Over 1,300,000 youth are processed in juvenile courts annually (as cited in Sickmund, Sladky, & Kang, 2013) while approximately 71,000 adolescents are placed in detention daily (as cited in Sickmund, Sladky, Kang, & Puzzanchera, 2011), punctuating the need for Juvenile Justice (JJ) reform (Calleja, Dadah, Fisher, & Fernandez, 2017). The rate of youth detention is higher within the general non-White versus White population, with the incidence of detention being greater among non-White populations as compared to White youth (McCoy, Walker, & Rodney, 2012; Ericson & Eckberg, 2016). A phenomenological investigation and synthesis of literature since the 1988 amendment to the Juvenile Justice and Delinquency Prevention Act of 1974 revealed some confounding results, which indicate that complex factors contribute to disproportionate minority contact (DMC), only some of which are attributable to factors related to ethnicity or race (Engen, Steen, & Bridges, 2002; McCoy et al., 2012; Rodriguez, 2002; Tittle & Curran, 1988). Additional factors include both legal and extra-legal factors that contributed to the rate of arrest and detention of Black and non-White youth (Ericson & Eckberg, 2016; Engen et al., 2002; McCoy et al., 2012; Vera Sanchez & Adams, 2011).

The research demonstrates that youth with high numbers of repeat offenses were as much as 7 times more likely while moderate prior offenders were 3 times more likely to be detained as compared to first time offenders (McCoy et al., 2012). Factors outside the locus of control of the youth, however, contributed significantly to the age of first offense and number of overall offenses (Ericson & Eckberg, 2016; McCoy et al., 2012; Stevens & Morash, 2015; Vera Sanchez

& Adams, 2011). Youth whose probation was revoked experienced a 3-fold increase in detention (McCoy et al., 2012). While number and degree of prior offenses constituted the most prevalent influence on the likelihood of detention, numerous other factors contribute to the overall matrix of factors that influence DMC (McCoy et al., 2012), including but not limited to the following:

1. Bias (Ericson & Eckberg, 2016; Tittle & Curry, 1988)
2. Number of Previous Offenses (McCoy et al., 2012)
3. Age of Entry (Youth entering system earlier may have more offenses) (McCoy et al., 2012)
4. Seriousness of Crime (McCoy et al., 2012)
5. Type of Crime (McCoy et al., 2012)
6. Probation Violations (McCoy et al., 2012)
7. Non-traditional Homes/Parental Status (McCoy et al., 2012)
8. Extra-Legal Factors (i.e. Gender, Race/Ethnicity, Age) (McCoy et al., 2012)
9. Disadvantageous Community (Significant factor for Black and Latino youth) (Rodriguez, 2002)
10. Process and Procedural Factors (leading to disproportionate punitive treatment of non-White versus White youth (i.e. less police and prosecutorial diversion) (Engen et al., 2002; Ericson & Eckberg, 2016)
11. Loose coupling and focal concerns of police (Ericson & Eckberg, 2016)
12. Racialized system of policing (Vera Sanchez & Adams, 2011)
13. School-Police juvenile justice-oriented interaction (i.e. in-school policing, schools making expulsion and suspension decisions based on police reports of juveniles in custody, zero-tolerance policing policies) (Vera Sanchez & Adams, 2011).

14. Youths' negative interaction with police and juvenile justice systems and negative attitudes about the juvenile justice system (Stevens & Morash, 2015; Vera Sanchez & Adams, 2011)
15. Youths' fear of safety from police who are abusive or provide inadequate protection; fear of sexual exploitation by female youth (Solis, Portillos, & Brunson, 2009)
16. Significant percentage of youth in Juvenile Justice system have had traumatic experiences, yet Juvenile Justice workers are often unable to provide a trauma-informed response (potentially leading to re-traumatization) (Donisch, Bray, & Gewirtz, 2016)
17. Outcomes of long term placement lead to ongoing offending and recidivism (Underwood & Washington, 2016)

A synthesis of the literature points to a conflagration of extra-racial or extra-ethnic factors that complicate the Juvenile Justice process, leading to the tragic overrepresentation of racial or ethnic groups within the system. While bias remains a critical focus in reducing DMC, the aggravating bias often occurred much earlier than the point of Juvenile Justice contact, or occurred incidental to co-occurring factors like socioeconomic status (SES), including extreme poverty and unsafe neighborhoods; family destabilization, including domestic violence, mental health, incarceration, or substance use disorder of parent; and unidentified or untreated neurodevelopmental, behavioral, emotional, and learning problems. As such, the Juvenile Justice system must engage in rigorous activities to raise the awareness of other key stakeholders in the lives of the involved youth, including court, law enforcement, school, child welfare, and medical providers, in order to contribute to a more equitable and supportive backdrop that promotes broad gains in social, emotional, moral, and lawful youth development.

Meanwhile, Juvenile Justice specialists must recognize signs of neurodevelopmental, cognitive, socioemotional, behavioral, trauma-induced, and mental health problems at the point of first contact in order to engage youth in a developmentally oriented process that can lead to gains in social, emotional, moral, and lawful learning, growth and development. Services to promote youth rehabilitation must be replaced with developmentally appropriate habilitative programming that promotes acquisition of absent or immature social, emotional, moral, and self-regulatory developmental capacities. As Juvenile Justice personnel correctly identify potential challenges in these areas, they will be much better prepared to steer the case through an effective channel of community, governmental, educational, and health services that contribute to identification, intervention, and resolution of underlying issues that contributed to criminogenic behaviors. To achieve this end, the system of Juvenile Justice must have an arsenal of tools, resources, and connections to the myriad service providers and organizations who are ready and able to provide alternate placement and effective diversion based on concepts like Restorative Justice, Youth Justice, and Developmental Justice. The disposition of each case must include a symphony of service providers, all stakeholders in the life of that youth, working in harmony to compensate for and intervene with early deficiencies in environment, care, healthcare, education, and development for the purpose of increasing the youth's capacity for personal responsibility, compassion for self and others, community-mindedness, and lawfulness.

The plan to achieve these broad goals involves a series of steps that can empower Juvenile Justice professionals early on in the process to utilize developmentally-supportive diversion programs that include community-based restorative justice programs, tribal and indigenous cultural councils, youth justice-oriented organizations, mentorship programs, and myriad other evidence-based strategies that include national endeavors like *My Brother's Keeper*