

Office of Adolescent Health

Technical Assistance Call for PAF and TPP Grantees

“Youth in the Juvenile Justice System”

June 5, 2019
2:30 – 3:30pm EDT

Jacquelyn McCain
OAH Project Officer



- OAH Project Officers
- The MayaTech Corporation TA Team
- Purpose of Group Call
- OAH Announcements

- Part 1 – SME Presentation

- **Susan Vivian Mangold, Esq.**

- Chief Executive Officer, Juvenile Law Center

- Part 2 – Peer Sharing

- **Tonya Johnson, Salimah Hassan-White, Tamika Carrington**

- Making Proud Choices Youth In Out of Home Care

- Baltimore City

- Part 3 – Group Discussion

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Youth in the Juvenile Justice System

Webinar on the 2019 Report by the National Academies of Sciences,
Engineering and Medicine:
The Promise of Adolescence: Realizing Opportunity for All Youth

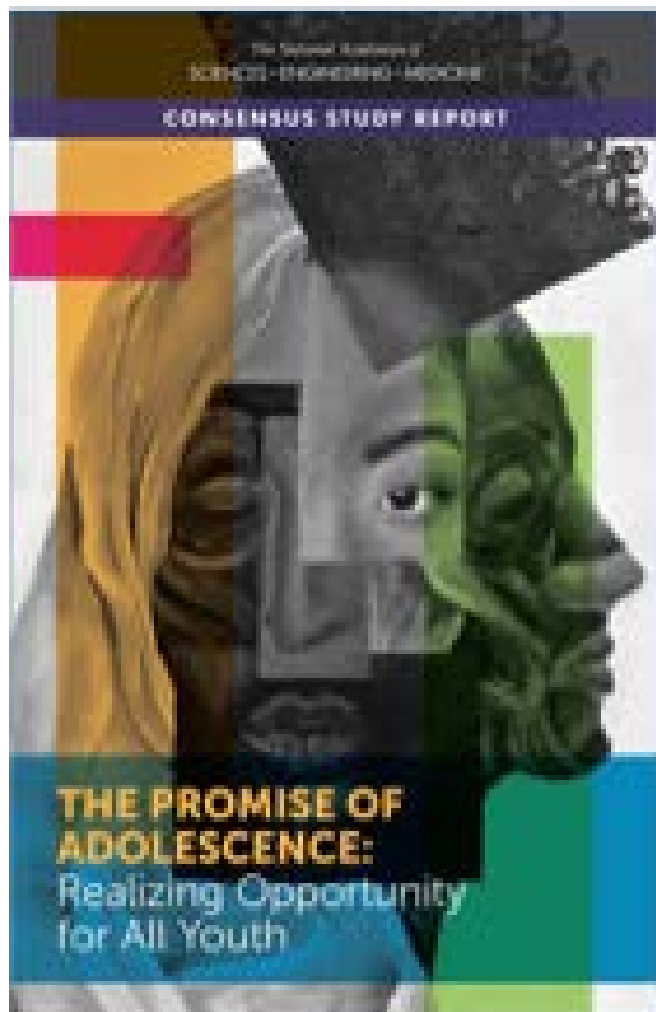
**Technical Assistance Webinar for the
Office of Adolescent Health PAF and TPP Grantees**

**Susan Vivian Mangold, Esq., (she/her/hers)
Chief Executive Officer, Juvenile Law Center**

June 5, 2019

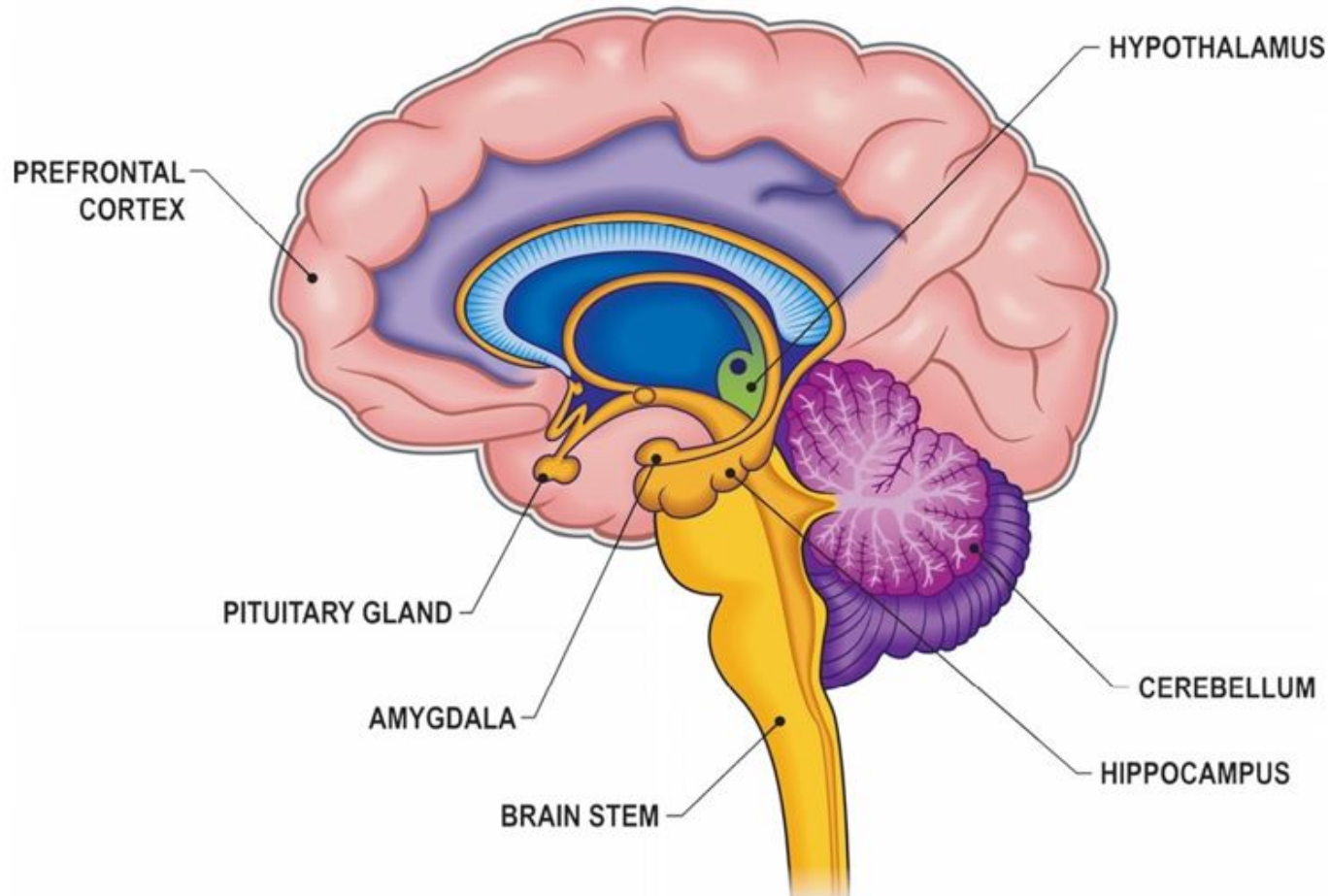


- Highlights of *2019 Report by the National Academies of Sciences, Engineering and Medicine: The Promise of Adolescence: Realizing Opportunity for All Youth*
 - Key take-aways for youth-serving professionals
- Overview of the Juvenile Justice System
 - Basic structure and answers to questions for youth-serving professionals
- Summary of Report findings and recommendations on the juvenile justice system
 - How can youth-serving professionals implement the recommendations?



- Adolescents—young people ages **10 to 25**—make up nearly one-fourth of the U.S. population
- Changes in brain structure and connectivity present young people with unique opportunities for **positive, life-shaping development**, and for **recovery from past adversity**
- The promise of adolescence can be severely curtailed by economic, social, structural disadvantage, racism, bias, and discrimination
- The nation needs policies and practices that will better leverage the developmental opportunities offered by adolescence

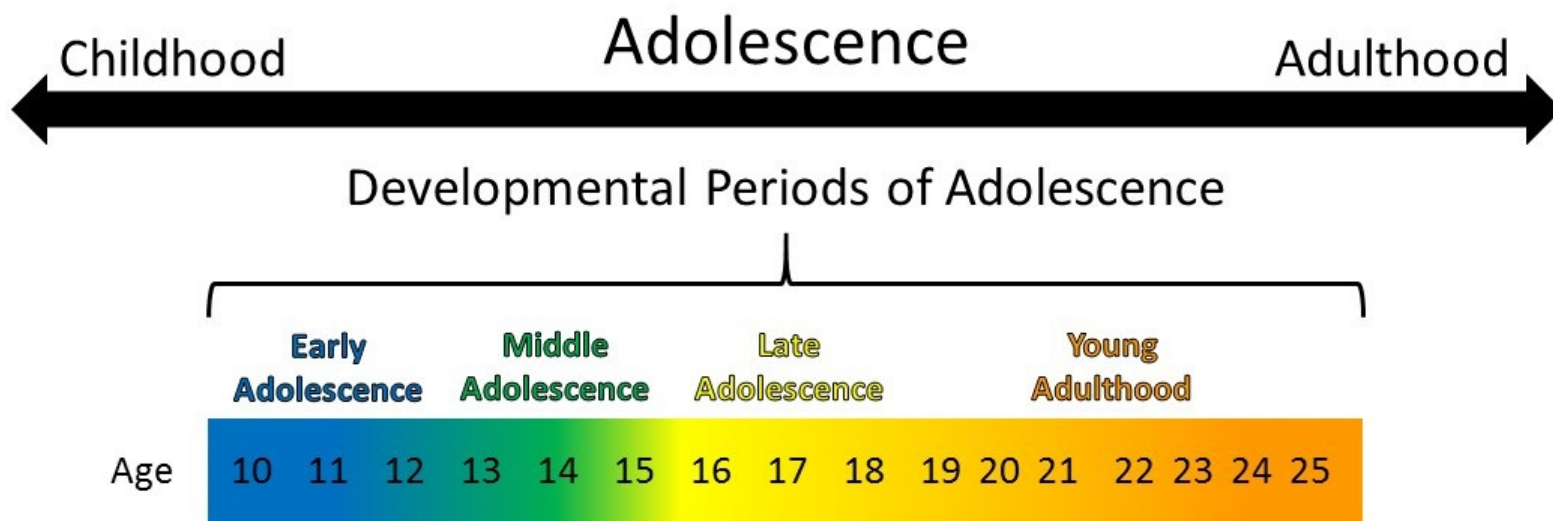
The Brain



Brain areas important to adolescent development, p. 35

“...for the majority of people the rate of criminal behavior declines steadily as they enter their 20s and 30s. The scientific study of adolescent development—particularly in neuroscience—may explain this pattern among the majority of people: that the parts of the brain sensitive to sensation-seeking and peer influence are particularly active in puberty, while the executive functioning regions are not fully formed until the early 20s...” p. 225

Adolescent Age Spectrum



“Each stage of life depends on what has come before it, and young people certainly do not enter adolescence with a “blank slate.” Rather, adolescent development is partly a consequence of earlier life experiences. However, these early life experiences are not determinative, and the adaptive plasticity of adolescence marks it as a window of opportunity for change through which mechanisms of resilience, recovery, and development are possible.” p. 27

- Primary healthcare, mental health care, sexual health care are critical to avoid prolonging trauma and to address past harm; lack of healthcare can lose the opportunity for positive development.
- Appropriate educational opportunity is necessary for healthy brain development at this critical stage when so much is possible; education deprivation or instability can multiply past harm and lose the opportunity for a positive trajectory to adulthood.

“Adolescence is a particularly dynamic period of brain development, second only to infancy in the extent and significance of the neural changes that occur. The nature of these changes—in brain structures, functions, and connectivity—allows for a remarkable amount of developmental plasticity unique to this period of life, making adolescents amenable to change.” p. 34

Attention to health, education, living environment, and connection to caring adults is critical as it is in early childhood years; lack of access to healthcare, non-individualized education planning, harsh conditions, separation from family and community, are particularly harmful during adolescence.

“...it is now widely understood that key areas of the brain and its circuitry continue maturing from the onset of puberty and well into an individual’s mid-20s (Giedd et al., 1999; Lenroot and Giedd, 2006). This demarcates adolescence as a sensitive period of neurodevelopment that is especially affected by the environment, including physical factors such as nutrition, trauma, and toxic exposures, as well as social factors such as the influence of parents and caregivers, peers, and teachers (Fuhrmann, Knoll, and Blakemore, 2015).” p. 11

How do we create optimal rather than harmful circumstances so adolescents can thrive?

- Nutrition
- Trauma
- Toxic exposures
- Influence of parents and caregivers
- Peers
- Teachers

“The defining characteristics of the adolescent brain are malleability and plasticity. These attributes may sometimes be worrisome, but they also generate unique opportunities for learning, exploration, and growth. Our society needs policies and practices that will help us better leverage these developmental opportunities to harness the promise of adolescence— rather than focusing myopically on containing its risks.” p. 12

How can delivery of health, education, and social work resources focus on the opportunities for the future rather than behavior in a program or institution?

“...the promise of adolescence is now unrealized for many of our nation’s adolescents due to deeply rooted structural inequalities that underpin well-documented disparities in developmental outcomes... substantial differences in family resources, in the safety and support of neighborhoods, and the occurrence of racial and ethnic bias...Developmental science can tell us what to do, but only a sustained political commitment can enable us to do it.” p. 12

All of us are part of the solution in youth-serving workplaces and in the politics and resources of every community.

State based systems with some federal mandates from the Juvenile Justice Delinquency and Prevention Act.

At the "deepest end" of the juvenile justice system, developmental science has been adopted by the Supreme Court of the United States (SCOTUS):

- *Roper v. Simmons* (2005)- capital punishment of juveniles (under 18) is unconstitutional
- *Graham v. Florida* (2010)- life without parole for juveniles for non-homicide offenses is unconstitutional
- *Miller v. Alabama* (2012)- mandatory life without parole for homicide offenses by juveniles is unconstitutional
- *Montgomery v. Louisiana* (2015)- Miller is retroactive to pre-2012 cases

- Approximately 1 million arrests of juveniles annually
- Approximately 50,000 youth are incarcerated in the juvenile justice system (down from a high of 100,000)
- 80% are male
- Girls are 3x more likely to be incarcerated for status offenses (12% vs. 4%)
- One study found that 40% of girls in the juvenile justice system are LGBTQ

*“...the number of 18-to-25-year-olds in the **criminal justice** system (roughly 3.2 million arrests in 2010) far exceeds the number of youth under age 18 in the **juvenile justice** system (roughly 1.6 million arrests in 2010).” p. 226*

Report focuses on juvenile justice but 18-25 year old's are an emerging area of inquiry and potential policy reform

- Crime rates among juveniles ages 10 to 17 have declined by 72 percent since 1996 (U.S. Department of Justice, 2018)
- The number of youth in residential placement has declined from approximately 105,000 in 1997 to 45,500 in 2016 (U.S. Department of Justice, 2018)
- While the overall number of youth in detention has declined, the racial disparity has worsened: in 2013, Black youth were 4.3 times more likely to be incarcerated than White youth, up from 3.7 times as likely in 2003. (National Center for Juvenile Justice, 2017)
- LGBTQ adolescents represent 5 to 7 percent of the overall adolescent population yet represent 13 to 15 percent of those currently in the juvenile justice system (Hunt and Moodie–Mills, 2012; Majd, Marksamer, and Reyes, 2009). According to one study, 40% of girls in the juvenile justice system identify as LGBTQ.

“...disparities in the treatment of adolescents, as defined by race and ethnicity, seem to increase at every stage of the process, from arrest, to decision to prosecute and removal to adult court, to sentencing, to type of confinement.” p. 234

*“One explanation for the recent increase in racial disparities in the juvenile justice system is the existence of disparities in the ways youth are **selectively referred** to the juvenile justice system from other adolescent-serving systems. Since the 1990s, **school disciplinary practices** have increasingly resulted in removing students from the classroom, placing them on a pathway into the juvenile justice system. A disproportionate number of Black, Native American, Latinx, and disabled youth are suspended or expelled from school as a result of discretionary disciplinary infractions, like willful disobedience, while similar disproportionality is not evident for defined offenses that are predicated on objective acts, such as drug use. In addition, disparities are evident in the number of Black, Native American, and Latinx youth who are referred to law enforcement for **minor offenses, such as truancy** (American Bar Association, 2018).”* p. 238

Reforming Juvenile Justice: A Developmental Approach (National Research Council, 2013, pp. 119-120, 135), a developmental approach to juvenile justice recognizes that:

- The developing adolescent brain functions in such a way that predisposes adolescents **to risk-taking behavior**, and **psychosocial influences** on decision making during adolescence distinguish juvenile choices from those of adults and indicate that, at a quite fundamental level, the determinants of criminal involvement among juveniles generally differ from the determinants of adult criminality, making juveniles **less culpable** than adults for criminal choices;
- **Criminal punishments can have a lasting negative effect** on youth by disrupting psychosocial development, limiting employment and educational opportunities and hampering their ability to develop relationships with noncriminal affiliates, thus making the transition to noncriminal adult life extremely difficult if not impossible;
- Given that only a small percentage of youth will continue to offend into adulthood unless justice system interventions themselves impede or prevent a successful transition to law-abiding adult life, the goal of reducing crime and increasing public safety will be furthered by ensuring that interventions holding young offenders accountable for their misdeeds do not have the **unwanted effect of increasing the risk of reoffending and otherwise impeding successful maturation**; and
- Developmental science indicates that adolescence is a period during which youth progress toward acquiring skills and capacities necessary to successfully assume adult roles through interaction between the individual and the social environment, and juvenile justice interventions that genuinely aim to reduce recidivism will seek to provide **opportunity structures that can promote young offenders' development into productive adults.**

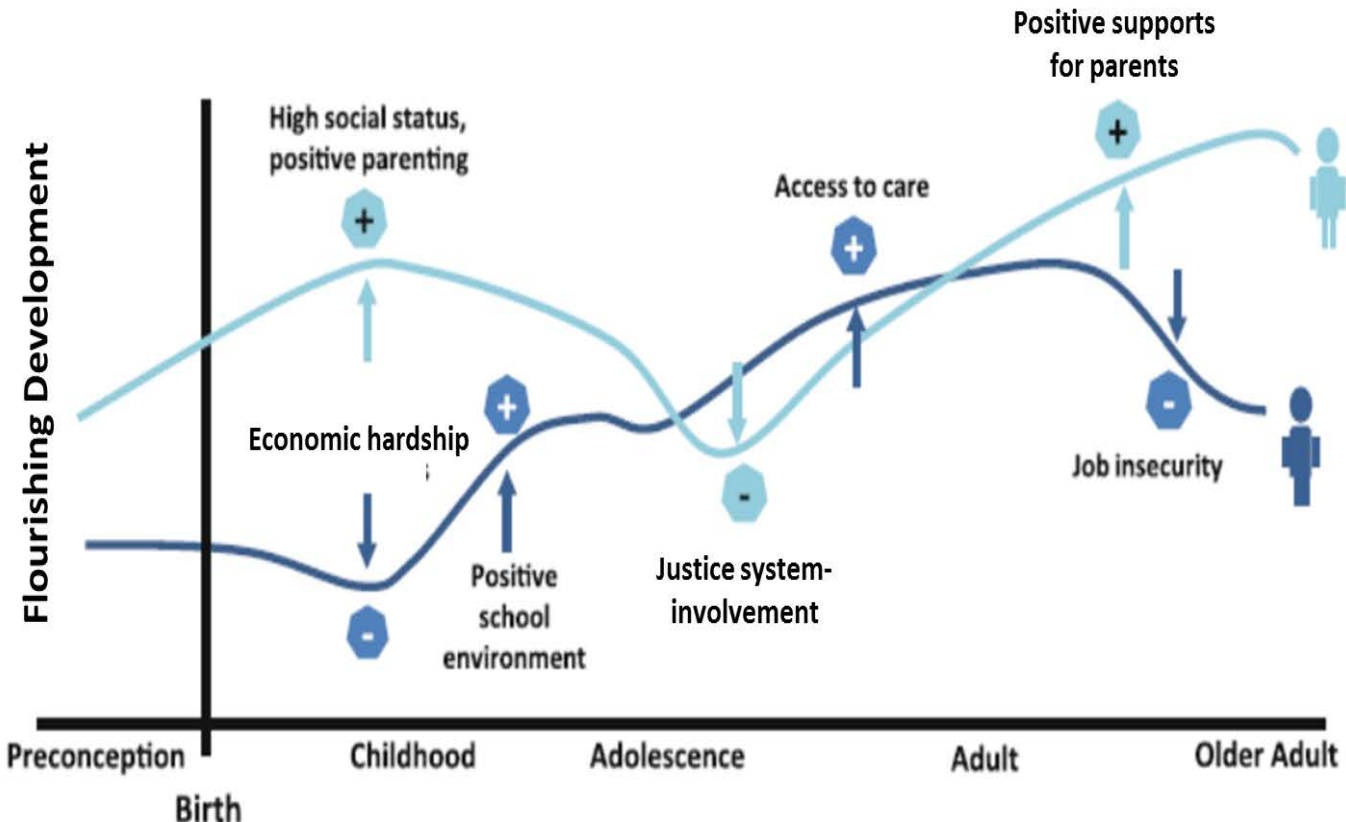
Hallmarks of a Developmentally Appropriate Justice System

Drawing from previous National Academies' reports, the committee highlights the following hallmarks of a developmental approach for justice reform (NRC, 2013, 2014) on p. 228:

- **Accountability without criminalization**
 - Preserving youth opportunities to become productive adults
- **Alternatives to justice system involvement**
 - Providing services to prevent re-offending with minimal engagement with the formal justice system
- **Individualized response based on assessment of needs and risks**
 - Placing less emphasis on categories of offending
 - Placing more emphasis on the malleable factors that may contribute to antisocial behavior in each case
- **Confinement only when necessary for public safety**
 - Restricting residential placements to the most serious youth
 - Restricting periods of residential placements to the time needed to provide intensive services
- **A genuine commitment to fairness**
 - Ensuring that youth are represented by properly trained counsel
 - Ensuring that youth understand the proceedings and can participate meaningfully
- **Sensitivity to disparate treatment**
 - Working to reduce the effects of discrimination by reducing unnecessary system involvement and confinement
- **Family engagement**
 - Aggressively seeking to work with all families
 - Keeping a focus on addressing cognitive errors

“For those youth in the custody of the justice system, ensure that policies and practices are implemented to prioritize the health and educational needs of adolescents and avoid causing harm.” p. 262

Critical Role of Education and Health Care in the Developing Adolescent



Critical role of education and access to health care as positive factors in the trajectory to positive adulthood

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Juvenile Law Center
Fighting for the rights
and well-being of youth

PEER SHARING

**Tonya Johnson, Salimah Hassan-White,
Tamika Carrington**

Making Proud Choices Youth In Out of
Home Care
Baltimore City

MD PREP

Youth In Out of Home Care

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TIPS

Trauma Informed Strategies

- Create safe environment-Group Agreements
- 4 7 8 breathing technique-Exhale completely through your mouth, making a whoosh sound. Close your mouth and inhale quietly through your nose to a mental count of **four**. Hold your **breath** for a count of seven. Exhale completely through your mouth, making a whoosh sound to a count of eight. This is one **breath**.
- Positive Affirmations: I Am Enough, I Have the Power to Create Change, I Have the Courage to Keep Going, I Am Confident and Worthy etc.
- Playful Distractions: play dough, pipe cleaners, coloring sheets, stress balls etc.

LESSONS LEARNED

- Importance of Building Relationships
- Looking Beyond Behavior
- Be Predictable
- Meeting Youth Where They Are



Feedback survey

<https://www.surveymonkey.com/r/K7263KS>

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