

# IMPLEMENTING CHANGE:

## STATE AND LOCAL GOVERNMENT'S ROLE IN ADDRESSING THE INTERSECTION OF HOMELESSNESS AND JUVENILE JUSTICE

Every year, an estimated one in ten young people between the ages of 18 and 25, and one in 30 young people between the ages of 13 and 17 who are unaccompanied by a parent or guardian will endure some form of homelessness.<sup>1</sup> This equates to nearly 3.5 million young adults and roughly 700,000 young people under 18.<sup>2</sup> Youth experiencing homelessness are often cited, arrested, and/or incarcerated, instead of receiving the support they need. Youth may also be at greater risk of experiencing homelessness after juvenile justice involvement due to education disruption, their juvenile record and other factors. A recent study conducted by the University of Chicago's Chapin Hall, showed that among youth who said they had experienced homelessness, 46 percent had also been in a juvenile detention facility, jail, or prison, as compared to 15 percent of the general population.<sup>3</sup>

This brief was created to help state and local governments better understand their role in addressing the intersections between juvenile justice and youth

**46 PERCENT OF YOUTH EXPERIENCING HOMELESSNESS HAVE SPENT TIME IN A JAIL, DETENTION FACILITY OF PRISON, AS COMPARED TO 15 PERCENT OF THE GENERAL POPULATION**

homelessness. The following principles and practice recommendations are meant to help government leaders ensure that young people do not become justice involved because they are experiencing homelessness, and similarly that they do not experience homelessness because of contact with the justice system. These recommendations are based on the Coalition for Juvenile Justice's "Principles for Change," a series of policy and practice recommendations that were developed in conjunction



with the National Network for Youth, the National League of Cities Institute For Youth, Education, & Families, and a panel of expert advisors from across the country.

The Principles promote cross collaboration between local and state lawmakers, juvenile justice agencies, schools, police, State Advisory Groups (SAGs),<sup>4</sup> and others to better support and serve youth, and to prevent or reduce youth homelessness. This brief outlines the Principles' application to state and local legislators specifically.

State and local legislators play a critical role in addressing the intersections between juvenile justice and youth homelessness. This brief provides concrete practice recommendations to help implement five core principles and help end the disastrous intersection of homelessness and the juvenile justice system for young people.

### PRINCIPLES FOR CHANGE

**"ENSURE THAT THE LAWS AND POLICIES IN YOUR JURISDICTION DO NOT LEAD YOUTH EXPERIENCING HOMELESSNESS TO BE CITED, ARRESTED, OR CHARGED WITH SURVIVAL ACTS OR 'QUALITY OF LIFE' OFFENSES."**



State and local governments should take steps to ensure law enforcement activity is used to protect public safety rather than to punish youth for experiencing homelessness. Government officials should hold youth accountable while providing services that meet the underlying needs likely causing the criminal or problematic acts in the first place.

- Revisit and eliminate statutes that prohibit sitting, camping, sleeping in public spaces, panhandling, or loitering.
- Repeal laws that make violating youth curfews a crime and redirect youth on the streets at night to services.
- Avoid using the juvenile justice system to respond to truancy (repeatedly being absent from school).
- Never prosecute youth who are commercially sexually exploited or forced into sex acts for survival, including a place to sleep at night, but rather connect them with services. In Washington, D.C., for example, the HOPE court program serves kids who have been or are at risk for commercial sexual exploitation, even if the charge they're in the system for is unrelated. A screening tool is used for all youth.
- Review laws criminalizing domestic violence to avoid unintended arrests for youth caught up in intra-family violence and recognize the differences between intimate partner violence and conflicts between parents, children and siblings.<sup>5</sup>
- Authorize and encourage state and local law enforcement to use tools other than arrest, such as diversion to a juvenile assessment and service center, when they encounter young people on the streets or otherwise experiencing homelessness.

#### Local example:

Drop off centers in many jurisdictions, including Minneapolis and Portland, connect youth to needed services while saving law enforcement time and saving communities money. Community-based organizations run centralized drop off centers, sometimes called juvenile assessment and service centers, or juvenile supervision centers, where law enforcement can bring young people as an alternative to arresting them. A service provider or case manager for the organization then completes an intake and referral to an array of services that varies from one location to another (e.g., case management, beds, behavioral health services). Policies in some cities create the option for police officers to transport youth to these centers without any arrest report or official charge entering the record. (Officers may make a report on the interaction, just as they would any stop of an individual, but the young person does not carry a charge on his or her record.) See <http://thelinkmn.org/jsc/> and <http://bit.ly/2l8MXMS> for example.

**“ENSURE THAT YOUNG PEOPLE ARE DIVERTED FROM JUVENILE JUSTICE SYSTEM INVOLVEMENT WHENEVER POSSIBLE, AND THAT ANY DIVERSION PROGRAMS OR SERVICES ARE APPROPRIATELY TAILORED TO MEET THE NEEDS OF YOUTH EXPERIENCING HOMELESSNESS.”**

Justice system involvement generally, and detention in particular, has life-changing negative consequences, ranging from poorer education and employment outcomes to increased risk of suicide and other health issues.<sup>6</sup> State and local lawmakers can create policies that ensure youth are diverted from the justice system whenever possible. They also play a critical role in ensuring that funding is available for quality diversion programs that serve youth in their own communities.

- Open and monitor high quality juvenile assessment and service centers for all young people who are at risk for justice-involvement, family resource centers, or 24-7 receiving locations for law enforcement seeking a non-arrest diversion option for young people who do not pose a risk to public safety.

- Ensure that your community offers services for basic needs, including obtaining identification documents, accessing public benefits to pay for food, and child care for adolescent parents, as well as robust case management.

**“WHEN JUVENILE JUSTICE SYSTEM INVOLVEMENT CANNOT BE AVOIDED, ENSURE THAT COMPREHENSIVE TRANSITION PLANNING BEGINS IMMEDIATELY AFTER—AND CONTINUES THROUGHOUT—A YOUTH’S CONFINEMENT OR PROBATION SUPERVISION.”**

Ensuring that young people have a safe and secure transition back to their communities following involvement with the juvenile justice system is critical. State and local leaders should explore opportunities to prioritize this safe transition.

**Tools for the field:**

A Way Home Canada has recently released a new assessment tool to screen for youth who may be experiencing homelessness or who are vulnerable to homelessness. The tool was created specifically for youth and addresses youth from a strengths-based, resiliency perspective. It is not just a tool for assessing needs, but can also act as a guide for swiftly moving youth along to the services they need. It is based on interviews with 700 youth who were experiencing homelessness in Los Angeles.<sup>7</sup>

- Work with schools, community service providers, State Advisory Groups, and others to ensure that all necessary parties begin planning for the transition from incarceration to the community as soon as possible.
- Link youth in the juvenile justice system and their families to benefits and services that strengthen their stability once they return to the community, such as health insurance, access to therapeutic services, and educational and employment supports.
- Require that juvenile justice agencies make transition planning a priority, and that these plans look beyond a young person’s first night back in the community, and instead seek to ensure long-term stability.<sup>8</sup>

**Local example:**

In a citywide campaign to increase children’s enrollment in public health insurance programs, the City of Savannah, Georgia partnered with the local juvenile court and probation agency to ensure families involved in the juvenile justice system heard the message. The city’s goal was to connect youth - particularly those mandated to receive behavioral health services - to coverage.

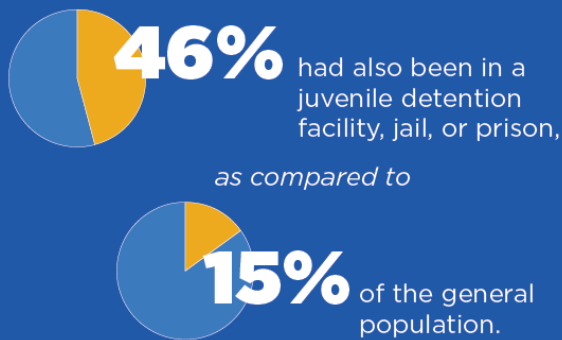
- Push state and local education agencies to permit youth who exit a detention facility or other justice system placement to re-enroll in school promptly.
- Guarantee high quality, transferrable education for youth in confinement by requiring qualified teachers, strong school standards such as those in the community, independent accreditation, and credit recovery or alternative credentialing programs and vocational certification programs for youth attending schools in juvenile facilities.

**“ENSURE THAT YOUR COMMUNITY HAS BOTH LONG AND SHORT TERM HOUSING OPTIONS AVAILABLE FOR YOUTH WHO ARE, OR HAVE BEEN INVOLVED WITH, THE JUVENILE JUSTICE SYSTEM.”**

At least one jurisdiction has reported that young people have stayed longer than necessary in justice system custody because of a lack of alternative housing.<sup>10</sup> To ensure that this does not take place, state and local lawmakers should make both short-term and long-term housing available to youth involved in the juvenile justice system and their families.

- Establish an effective identification, information, and referral system to identify youth who need housing and/or related services and then get them connected quickly to services and stable housing.
- Adopt broad definitions of homelessness such as the one used in the education provisions of the McKinney-Vento Act<sup>11</sup> for program eligibility purposes to include all youth experiencing homelessness.
- Policymakers should put strict accountability measures in place to ensure that youth are never held in detention longer than necessary because of a lack of developmentally appropriate and accessible housing options in the community and that youth who were previously or are currently involved with the justice system are not barred from accessing housing.
- Policymakers and public funding agencies should ensure that their jurisdiction has a public system of care for youth that cannot return home, including a spectrum of housing and service options that are youth focused and appropriate, from prevention to aftercare services. More information on what this spectrum should include is available in the

A recent study conducted by the University of Chicago's Chapin Hall, showed that among youth who said they had experienced homelessness,



National Network for Youth's Proposed System to End Youth and Young Adult Homelessness, available here.

- Remove barriers between youth and available housing options, such as exclusion criteria based on juvenile justice history or parental consent requirements to stay in a shelter or longer-term housing options. Allow exceptions when parental consent is being withheld, when the minor fears for his or her safety, or when agencies have documented unsuccessful attempts to reach the parent or legal guardian.

**“ENSURE THAT YOUTH AND THEIR FAMILIES ARE NOT KICKED OUT OF THEIR HOMES OR DENIED HOUSING BECAUSE THE YOUTH HAVE BEEN ARRESTED OR ADJUDICATED FOR A DELINQUENT OFFENSE.”**

- Restrict or eliminate the use of criminal background checks in public housing application processes or, at a minimum, limit restrictions to those required by law.
- Require that landlords clarify to potential tenants—and to their staff—that a juvenile delinquency adjudication is not the same as a criminal conviction, and that juvenile records may not need to be shared.
- Consider whether existing laws on sex offender registries should be amended with respect to acts committed by minors.
- Review the application of “crime free” or “nuisance” ordinances for unintended consequence of increasing homelessness and housing discrimination. For example, these ordinances can, among other things, lead to victims of domestic violence being evicted due to the actions of their abusers.<sup>12</sup>

**“ENSURE THAT EFFORTS PRIORITIZE LGBTQ/GNC YOUTH,<sup>13</sup> YOUTH OF COLOR, AND OTHER OVER-REPRESENTED POPULATIONS TO ADDRESS AND REDUCE THE DISPROPORTIONALITIES THAT EXIST IN THE POPULATIONS OF YOUTH EXPERIENCING HOMELESSNESS AND/OR INVOLVED WITH THE JUVENILE JUSTICE SYSTEM.”**

- Provide and require meaningful and culturally responsive training for staff in order to increase knowledge about the needs of minority and LGBTQ/GNC youth and ways to reduce their risk for homelessness and justice involvement.
- Enact, expand, or update comprehensive anti-harassment and non-discrimination policies.
- Collaborate with LGBTQ/GNC youth and youth of color in developing programs, and encouraging them to provide peer support and educational opportunities for others.

## CONCLUSION

State and local policymakers play a significant role in addressing and preventing young people from experiencing homelessness or being criminalized for behaviors that stem from a lack of stable housing. By following these guidelines to prevent youth homelessness and the challenges that accompany it, state and local policymakers can make a change in youths' lives.

For more information see “Addressing the Intersections of Juvenile Justice Involvement and Youth Homelessness: Principles for Change”, available at: <http://juvjustice.org/sites/default/files/ckfinder/files/FINAL%20Principles%20-%20ons%20final.pdf>

## Notes

<sup>1</sup>Missed Opportunities: Youth Homelessness in America. Voices of Youth Count, Chapin Hall. Available at [http://voicesofyouthcount.org/wp-content/uploads/2017/11/ChapinHall\\_VoYC\\_NationalReport\\_Final.pdf](http://voicesofyouthcount.org/wp-content/uploads/2017/11/ChapinHall_VoYC_NationalReport_Final.pdf). Last accessed Jan. 23, 2018.

<sup>2</sup>Id.

<sup>3</sup>Missed Opportunities.

<sup>4</sup>State Advisory Groups (SAGs) were created in the Juvenile Justice and Delinquency Prevention Act (JJDP). Each state or US territory has a SAG who gives feedback on the use of state's JJDP funds and is knowledgeable about the state's juvenile justice laws and reform. For more information on SAGs, click here.

- <sup>5</sup> See, e.g., Siegel, Gene, and Halemba, Gregg/National Center for Juvenile Justice. "Promising practices in the Diversion of Juvenile Domestic Violence Cases." (2015). Available at <http://www.ncjj.org/pdf/Gene%20Gregg%20report/PromisingPracticesJuvenileDVdiversion2015.pdf>.
- <sup>6</sup> Holman, B., et al. The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities. Justice Policy Institute. No Place For Kids. Available at [www.aecf.org/m/resourcedoc/aecf-NoPlaceForKidsFullReport-2011.pdf](http://www.aecf.org/m/resourcedoc/aecf-NoPlaceForKidsFullReport-2011.pdf).
- <sup>7</sup> For more information visit <http://awayhome.ca/2018/01/11/this-is-the-yap-tool/>.
- <sup>8</sup> For a full list of items that should be incorporated as part of a transition plan, see the Principles for Change, available at <https://www.juvjustice.org/sites/default/files/ckfinder/files/FINAL%20Principles%20.pdf>.
- <sup>9</sup> To learn more visit: [http://www.nlc.org/sites/default/files/2017-06/CEHACF%20MAG\\_FINAL\\_pages.pdf](http://www.nlc.org/sites/default/files/2017-06/CEHACF%20MAG_FINAL_pages.pdf).
- <sup>10</sup> Columbia Legal Services. Falling Through the Gaps: How a Stay in Detention Can Lead to Youth Homelessness. Available at [www.columbialegal.org/sites/default/files/Detention\\_to\\_Homelessness\\_Web\\_0.pdf](http://www.columbialegal.org/sites/default/files/Detention_to_Homelessness_Web_0.pdf).
- <sup>11</sup> As amended by the Every Student Succeeds Act. For more information see <https://nche.ed.gov/legis/mv.php>.
- <sup>12</sup> Sargent Shriver National Center on Poverty Law. The Cost of Being Crime Free: Legal and Practical Consequences of Crime Free Rental Housing and Nuisance Property Ordinances. Available at [povertylaw.org/sites/default/files/files/housing-justice/cost-of-being-crime-free.pdf](http://povertylaw.org/sites/default/files/files/housing-justice/cost-of-being-crime-free.pdf).
- <sup>13</sup> Lesbian, Gay, Bisexual, and Transgender (LGBT), Gender Non-Conforming (GNC).



---

This project was funded by Raikes Foundation, Tow Foundation, and Melville Charitable Trust.

For more information contact the Coalition for Juvenile Justice

Phone: 202-467-0864

Email: [info@juvjustice.org](mailto:info@juvjustice.org)

Web: [www.juvjustice.org](http://www.juvjustice.org)

Address: 1319 F Street NW, Suite 402, Washington, DC 20004

