

2022

# Recommendations to the Administration

Created by the Emerging Leaders Committee:  
Coalition for Juvenile Justice



# LETTER FROM THE CJJ EMERGING LEADERS COMMITTEE

Since its creation in 1899 the youth justice system has had rehabilitation as its stated goal. The reality, however, has fallen far short of this. Racial and ethnic disparities are pervasive and exist in cities across the country at nearly all points of contact with the justice system.<sup>1</sup> All too often, a young person's trajectory into and through the justice system varies widely for young people based on their race and ethnicity, even among cases that involve the same behaviors.<sup>2</sup> Those who do find themselves in the system face a number of obstacles, including:

- Roughly 70% of youth report difficulties in enrolling in school upon release.<sup>3</sup>
- Spending time incarcerated as a youth leads to 25-30% less working time in the first 10 years following release, and even 15 years down the road employment numbers are significantly less for those who served time as an adolescent.<sup>4</sup>

Below, we discuss recommendations for the Administration on ways to:

- Ensure equity in the justice system;
- Reduce the number of young people who become involved with the justice system;
- Ensure that young people who do come into contact with the system receive effective rehabilitative services; and
- Provide reentry supports for young people who are returning to their communities.

These recommendations are a product of the Emerging Leaders Committee, a group of young leaders ages 16-24 who advise the Coalition for Juvenile Justice on policy matters. We consist of young leaders who are passionate about justice reform, and include members who have previously been involved with the system, who are currently involved with the system, and in other instances, who have family and friends who were impacted by the system.

Please note that while we have organized our recommendations into these four buckets, there are significant overlaps between these topics. For example, none of these topics can be considered without taking equity into account.

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1. See "Literature Review: Racial and Ethnic Disparity in Juvenile Justice Processing."

2. Office of Juvenile Justice and Delinquency Prevention. Accessed September 12, 2022. <https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/racial-and-ethnic-disparity#2>. Janay B. Sander & Deidra L. Bibbs (2020) Disproportionality in School Discipline and Juvenile Justice Systems: The Past and Future Role of Psychological Consultation to

3. Promote Equity, *Journal of Educational and Psychological Consultation*, 30:4, 445-461, DOI: 10.1080/10474412.2020.1777873. Farkas, Adam. "The Myth of Rehabilitation: How to Address Juvenile Justice System's Contributions to Recidivism ." Seton Hall University. 2021. [https://scholarship.shu.edu/cgi/viewcontent.cgi?article=2182&context=student\\_scholarship](https://scholarship.shu.edu/cgi/viewcontent.cgi?article=2182&context=student_scholarship).

4. Id.

## I. Ensure equity in the justice system.

The current legal process involves a great deal of discretion from judges, prosecutors, law enforcement, probation officers, and even teachers and social workers. Rarely do these professionals look like the young people they are working with though and as a result of bias, systemic racism and other factors, the subjectivity of the law can result in vastly different outcomes for young people depending on the color of their skin.

To address this we recommend:

1. Targeted federal investment in diversity training and racial equity training, including the role of cognitive bias for juvenile justice professionals such as law enforcement, social workers, prosecutors, public defenders, judges, those working in correctional settings, and other key professions that work with youth outside the system such as teachers, principals, and school personnel. Guidance should be issued that clarifies the importance of this training and how it should be administered. Training for judges should also include active listening skills to understand the underlying issues that resulted in the young person's actions and to help them better understand the young person's full experience.
2. Targeted federal investment should be made to recruit qualified young people for work in the legal system, and in the educational system that reflect the population that is being served. Grants to cover educational requirements or to provide salaries and stipends should be made available to help ensure BIPOC populations that are currently under-represented in the teaching, mental health, and legal professions can access these jobs.
3. Providing students, particularly those in areas that are over policed, with photo identification that includes information on the back that explains their legal rights. Posters with information about student rights in relation to law enforcement should also be required in any school that uses federal funding to pay school law enforcement officers. Public service announcements and other materials should be used to help students better understand their legal rights.
4. Evaluating existing federal laws and policies to identify conflicting requirements that result in overly harsh punishments for young people involved in the legal system. Similarly, grants should be provided for states to do the same. For example, currently young people in a growing number of states are able to stay in the juvenile justice system after their 18th birthday, but conflicting requirements under the Prison Rape Elimination Act can result in some facilities being placed on lockdown when staff to youth ratios vary, causing all young people to be placed essentially in solitary confinement.
5. Providing guidelines and directives for federal agencies that issue press releases and other statements to the media to increase those offices' literacy related to racial bias in the media and the ways in which BIPOC youth are portrayed in stereotypical ways that make them vulnerable to legal involvement.
6. Providing funding for trauma-informed training to law enforcement officers, in addition to programs and services for system-impacted women. This can include resources specific to sexual assault, domestic abuse, reproductive health, etc.

Those in contact with youth and working with youth should also undergo trauma training. The GAINS CENTER through SAMHSA offers this for criminal justice professionals. This is important because adolescence is a grave and highly experimental age and those who come in contact with the legal system are more likely to have encountered a traumatic experience.<sup>5</sup> This is important to keep in mind when placing male correctional officers in underpopulated female units amongst other pressing mental and physical health concerns. Consequently, punishments like segregation and isolation should be banned because yet again research has proven that they produce adverse physical and emotional repercussions.

“[The GAINS Center](#)<sup>6</sup> has developed training for [criminal justice professionals](#)<sup>7</sup> to raise awareness about trauma and its effects. “How Being Trauma-Informed Improves Criminal Justice System Responses” is a half-day training for criminal justice professionals to:

- Increase understanding and awareness of the impact of trauma
- Develop trauma-informed responses
- Provide strategies for developing and implementing trauma-informed policies.

7. Providing guidance explaining that, sentences should provide explicit reasoning as to why those sentences are made.

## II. Reduce the number of young people who become involved with the justice system.

Preventing youth involvement with the justice system requires investments in young people, families, and communities. Not all young people feel that they have a safe place to go. Many don't feel that they have a physical space to safely learn and nourish their minds and bodies, nor do they feel like they have a person who can listen when challenges arise in their lives. As a result, young people can find themselves at risk of involvement with the justice system.

To address this we recommend:

1. Encouraging targeted federal investment in community-resources focused on mental health and credible messenger mentors. Counselors and mentors should be from the same communities that young people reside in, look similar to them, and have shared life experiences so they can better understand the challenges facing young people who are at-risk of involvement in the justice system. Counselors and mentors should be available before, during, and after involvement with the justice system. Grant programs could help support the creation of community centers and provide tuition-free education to help support students who commit to return to their communities to help in these capacities.<sup>8</sup>

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5. Jamieson, Kerry “Aces and Juvenile Justice.” Available at: <https://www.centerforchildcounseling.org/aces-and-juvenile-justice/>. Last accessed: Sept. 20, 2022.

6. “Gains Center for Behavioral Health and Justice Transformation.” SAMHSA, <https://www.samhsa.gov/gains-center>.

7. “Trauma Training for Criminal Justice Professionals.” SAMHSA, <https://www.samhsa.gov/gains-center/trauma-training-criminal-justice-professionals>.

8. “Mentoring.” *Office of Juvenile Justice and Delinquency Prevention*, <https://ojjdp.ojp.gov/programs/mentoring>. See also, Mental Health and Juvenile Justice Collaborative for Change: A Training, Technical Assistance and Education Center, “Better Solutions for Youth with Mental Health Needs in the Juvenile Justice System. Available at:

<http://thecrimereport.s3.amazonaws.com/2/77/9/2596/whitepaper-mental-health-final.pdf>.

2. Creating incentive grants for communities to restructure and rethink the role of prosecutors, and to better train prosecutors on the importance of diversion and alternatives to incarceration. Evaluation processes that lead to prosecutors advancing their career currently over emphasize conviction rates and lead to an increase in young people taking plea deals instead of having their cases thoughtfully considered by the prosecution and judge. Incentive grants should help communities rethink their hiring and promotion practices for prosecutors. Similarly, job descriptions, evaluations, and promotion practices for federal prosecutors should be changed to reflect this.
3. Establishing an advisory panel of young people within the Department of Justice and providing guidance for communities on how they can establish similar bodies in their own states, territories, and municipalities. This panel can help systems better understand what is going on in the lives of young people within the system, the challenges they are facing, and the solutions that might be best suited to address them. Similarly, viable employment opportunities should be provided for young people to serve as advisors within the Department of Justice, and funding should be made available through grant programs for similar advisors at the state and local levels.
4. Providing federal incentives for states and territories that can show an equitable reduction in the number of young people who are incarcerated in their jurisdiction. Funding can help support alternatives to incarceration such as diversion and community-based programming.<sup>9</sup>
5. Providing guidance to schools on ways they can actively recruit teachers, coaches, and other staff from the communities in which schools are located. Public service announcements from the Department of Education should highlight the opportunities and importance of teachers from communities in which they work, and help the public learn about grant programs and other opportunities that exist to help teachers finance their education.
6. Creating targeted federal investments in culturally competent and restorative programs that help young people, their victims, and the community heal and make amends.<sup>10</sup>

### III. Ensure that young people who do come into contact with the system receive effective rehabilitative services.

Every young person who comes into contact with the justice system is unique, and as such rehabilitation should not take a one-size-fits-all approach. What the goal of rehabilitation looks like is different for each young person, as are the programs and services that are needed to achieve that goal, and how long it will take. Young people, however, face sentences that are based not on who they are and what they need as individuals, but instead on an action they took in their worst moment. Depending on where they reside, young people may also not have access to the services and supports that they need to attain their goals.

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9. "Reform Trends: Evidence-Based Practices." Juvenile Justice Information Exchange, <https://jjie.org/hub/evidence-based-practices/reform-trends/#6>.

10. "Reform Trends" (See footnote 7).

1. Providing incentive grants and related guidance to states where young people face dual youth and adult sentencing, to provide for a hearing to determine if the goal of the young person's rehabilitation has been attained and if they should be released instead of continuing on to their adult sentence. Grants can help young people and the state make rehabilitation plans for while they are serving a sentence with a hearing on progress made before the young person goes to adult detention. These hearings should take into account progress the young person has made since the time of their crime, with a goal of release prior to serving any adult sentence.

2. Providing grants to hire peer mentors who work with young people during their involvement with the juvenile justice system to create a portfolio that shows their progress. This portfolio should include personal identification documents they will need upon reentering the community, as well as letters of recommendation from programs they complete as part of their involvement with the legal system that could be used in seeking employment. Portfolios could be used as a way to help young people track their own progress and change, a tool for judges and others to see the good work young people are doing in their rehabilitative process, and a tool to help family and community members back home rally around the young person. In instances where both the youth and victim agree, portfolios can also be used as a tool to help "make sorry" and heal harm between the parties.

3. Providing guidance to the states on how young people should be involved in shaping their own rehabilitation plans to reflect what drives them as individuals. This guidance should also detail ways that rehabilitation can and should be catered to the individual (for example, a young person who has a substance abuse issue needs different services and supports than a young person who does not). Individual skills and talents should be taken into consideration, not just challenges.<sup>11</sup>

4. Providing guidance to the states on ways to create youth advisory panels inside facilities to help inform what educational, counseling, vocational training and trade education programs are available inside facilities.

5. Providing clear guidance, as well as targeted financial incentives and penalties for facilities that do not provide proper nutrition for young people and adults. The links between mind, body, and nutrition have been clearly documented. Yet, young people who are inside detention facilities face vitamin and calorie deficiencies. Federal interventions as described above can help ensure that young people receive healthy diets, something that is particularly important in adolescence as their bodies and brains continue to grow and develop.

6. Providing guidance that clarifies that young people should have access to law libraries, legal materials, and attorneys while involved with the legal system, and that attorneys should contact their clients in a timely fashion.<sup>12</sup>

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11. Hovey, Katrina A., et al. *Mental Health and the Juvenile Justice System: Issues Related to Treatment and Rehabilitation*. Published by Sciedu Press, <https://files.eric.ed.gov/fulltext/EJ1157674.pdf>.

12. Ervin, Ariel. "Mentor Outcomes in a Peer Monitoring Program." *The Chronicle of Evidence-Based Mentoring*, Ariel Ervin <https://www.evidencebasedmentoring.org/Wp-Content/Uploads/2018/08/Chronicle-Logo-1.Png>, 14 May 2020, <https://www.evidencebasedmentoring.org/mentor-outcomes-in-a-peer-mentoring-program/>.

#### IV. Provide reentry supports for young people who are returning to their communities.

Reentry serves as a critical moment in young people's lives. Without adequate planning and support, they are vulnerable to housing instability, and returning to the behaviors that led them into the justice system in the first place.

To address this we recommend:

1. Providing guidance that explains what should be included in a reentry plan for youth who are leaving the justice system. This should include housing, education, employment, mental health, physical health, child care, and related supports. Guidance should clarify that the creation of such plans should begin at the time of sentencing.
2. Providing grant funding so young people can transfer to a community facility before they're released. The goal of these facilities would be to gain job experience and build wealth so they are ready financially to live on their own. Youth should receive supports in gaining employment, understanding bank accounts, and other essential life skills.
3. Creating a measure similar to that which enables young people to stay on their parents' health insurance plans into early adulthood, but which is specifically focused on ensuring youth in the justice system are able to access services and supports such as mental health, educational, training, and housing opportunities, until age 26 after they have exited the justice system.



The Coalition for Juvenile Justice (CJJ) envisions a nation where fewer children are at risk of delinquency; and if they are at risk or involved with the justice system, they and their families receive every possible opportunity to live safe, healthy, and fulfilling lives. CJJ is a nationwide coalition of State Advisory Groups (SAGs) and allies dedicated to preventing children and youth from becoming involved in the courts and upholding the highest standards of care when youth are charged with wrongdoing and enter the justice system.