

# SPECIAL REPORT

National Council on Crime and Delinquency

## Rebuilding the Infrastructure for At-risk Youth

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### *Introduction*

The term “at-risk youth” generally refers to those ages 10 to 17, vulnerable to delinquency, violence, substance abuse, or involvement with the justice system. Though definitions vary, the risk factors remain fairly constant: prior history of violence, poor family functioning, severe substance abuse, poverty, negative peer influences such as gangs, and school failure.

Despite, or maybe due to, the inherent limitations of the juvenile justice system to positively impact families and communities, many services for at-risk youth have emerged in the form of neighborhood collaboratives, before- and after-school programs, family support systems, and diversion programs designed to keep youth

out of the juvenile justice system. Unfortunately, in the past eight years, these programs have received little attention, and many cuts in the federal budget have had devastating consequences for our nation’s children and future. Although the role of the federal government is limited with respect to the juvenile justice system, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) works in partnership with local and state governments, holding them accountable to certain standards. The Bush Administration radically reduced funding for a wide range of services and programs, such as before- and after- school programs, crime prevention programs, community-oriented law enforcement, and OJJDP.

## Changes under the Bush Administration

In the past eight years, the infrastructure for at-risk youth has been severely weakened. Federal funding for youth programs has been cut, and states and localities have also faced hard budgetary choices. This FOCUS outlines several important changes under the Bush Administration, namely in after-school programs, the Juvenile Justice and Delinquency Prevention Act (JJJPA), and Byrne JAG earmarks that have negatively impacted the support system available to at-risk youth, their families, and their communities. A brief discussion of the Bush Administration's proposals for juvenile justice programs will follow.

### After-School Programs

Federally funded after-school programs are part of the 21<sup>st</sup> Century Community Learning Centers Program, established in 1995 under the Department of Education. Data show that the hours between after-school and evening are prime time for juvenile crimes. In addition to simply preventing crime by keeping youth off the street, after-school programs promote values and behaviors that work as protective factors, such as increased school achievement, reduced levels of delinquency, and success in adult life.<sup>1</sup> Studies estimate anywhere from 10 million to 14 million children are left unsupervised after they leave school campuses.<sup>2</sup> At the peak of its funding in 1997, the Community Learning Centers Program had some 8,000 sites.<sup>3</sup> However, with a decrease in federal dollars, many of these excellent after-school programs report closures or a reduction in services. With another

40% cut in federal funding this year, some estimate that nearly 300,000-600,000 children will no longer have access to after-school care.<sup>4</sup>

### Juvenile Justice Delinquency Prevention Act

The Juvenile Justice and Delinquency Prevention Act (JJJPA)—federal legislation originally established in 1974—is the cornerstone of the federal-state partnership. The JJJPA encompasses several areas. It operates the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to support state and local efforts and to coordinate or lead research on juvenile justice topics. It funds several grant programs to states and local jurisdictions and community-based organizations, for a range of youth services. It articulates protections for youth that states must comply with in order to receive this funding.

The first of these protections, **the deinstitution of status offenders**, prevents youth who are truants, runaways, or in chronic conflict with their parents from being held in secure detention. The research clearly demonstrates that incarcerating these youth is costly to the community and harmful to the youth. The second protection—**adult jail and lock-up removal**—prevents adjudicated youth (within in the juvenile system) from being held in adult jails. The third protection is called **sight and sound separation**, which requires that youth not be detained next to adult cells, or share other facilities with them. The last JJJPA requirement seeks to reduce **disproportionate minority contact (DMC)**—calling for states to address the disproportionate number of youth of color at every stage in the justice system.

1 Newman, S., Fox, J., Flynn, E., & Christeson, W. (2000). *America's after-school choice*. Fight Crime: Invest in Kids.

2 Ibid.

3 Afterschool Alliance. *21st Century Community Learning Centers: A Foundation for Progress*. Washington, DC: Afterschool Alliance, 2006.

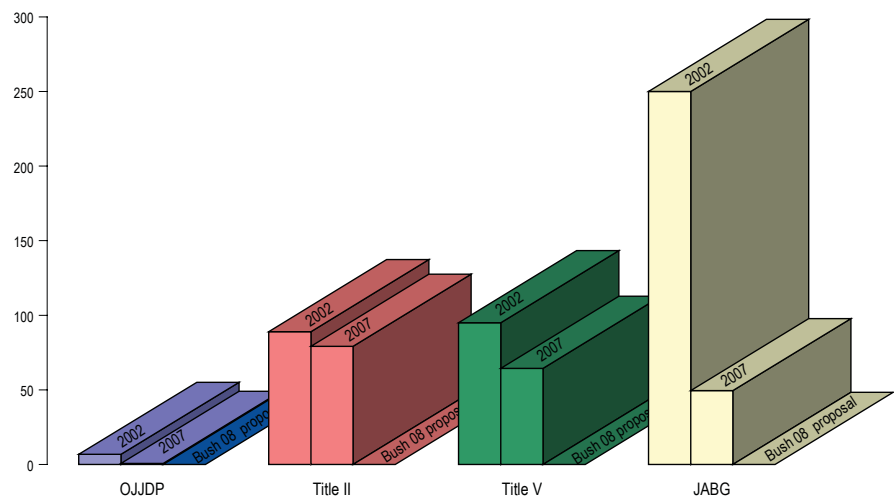
4 Fox, J., Silverman, E., Newman, S., Miller, & A. Cate (2003). *40% Cut in after-school funding: America's lost opportunity to prevent 41,000 crimes and save \$2.4 Billion*. Fight Crime: Invest in Kids.

JJDPA allows for several grant programs, but we will discuss only the major programs: Title II grants, Title V grants, and Juvenile Accountability Block Grants. Authorization levels for the grant programs decreased significantly during the Bush administration. JJDPA grants provide needed funding for state, local, and community organizations to develop and implement juvenile justice programs. Many of these programs are required to be based upon scientific study, and others are community-based collaboratives, both strategies that NCCD deems promising. The President’s last budget proposal eliminated JJDPA funding completely, replacing it with another program, the “Child Safety and Juvenile Justice Program.” (See section below.)

Title II grants, or Formula Grants, provide funds to states that meet the core protections to implement juvenile justice plans based on detailed studies of the needs of their jurisdiction. These funds have decreased by nearly 17% since 2002.<sup>5</sup> Title II funds alternatives to detention for adjudicated youth. Programs are required to be evidence-based and support promising practices, such as multisystemic therapy and functional family therapy. Counseling, reentry support, and mental health services are also funded with these grants. Evaluations show that multisystemic therapy reduces arrest rates among youth and decreases time spent in detention.<sup>6</sup> Family functional therapy has been shown to significantly reduce recidivism.<sup>7</sup>

Title V grants, or Incentive Grants for Local Delinquency Prevention, provide states with the funds for collaborative, community-based delinquency prevention efforts. These programs are intended to increase protective factors and positive decision-making for youth in high-risk situations. Ideally, these funds provide state and local jurisdictions with the resources to implement a comprehensive delinquency prevention strategy with community partners. These grants have decreased by over 35% since 2002.<sup>8</sup> Title V funding is dedicated exclusively to delinquency prevention and is awarded to programs like Boys and Girls Clubs. A study that compared communities with Boys and Girls Clubs to those without Clubs found that communities with Clubs had a 50% reduction in vandalism and a 40% reduction in drug activity.<sup>9</sup>

**JJDPA Funding**  
(in millions)



Source: Coalition for Juvenile Justice, JJDPA Fact Book & Congressional Research Service, Juvenile Justice Funding Trends.

5 Nunez-Neto, B. (2008). *Juvenile Justice Funding Trends*. Congressional Research Service.

6 Satcher, D. (2000). *Youth violence: A report of the Surgeon General*. Department of Health and Human Services.

7 Ibid.

8 Ibid.

9 Schinke, S. P., Orlandi, M. A. & Cole, K. C. (1992). *Boys & Girls Clubs in Public Housing Developments: Prevention Services for Youth at Risk*, Journal of Community Psychology, OSAP Special Issue.

Juvenile Accountability Block Grants (JABG) have taken the worst hit of all juvenile justice federal funding levels—decreasing by 80% since 2002.<sup>10</sup> JABG assist states in improving their juvenile system by funding both facilities (personnel training, operating costs), as well as courts (hiring judges, supporting pre-trial services). For example, in 2001, JABG funded a diversion initiative in Portland, Oregon, that kept youth charged with minor offenses from being detained in juvenile hall. The funds allowed the county to start a program in which youth were sent to privately-run centers where they received clinical assessments, drug treatment, and other assistance to keep them off the streets. Since the program began, juvenile detention has decreased by nearly 75%.<sup>11</sup>

JJDPAs were most recently reauthorized in 2002, and were scheduled for reauthorization again in 2007. Due to controversial amendments that would have eliminated the Act's core protections as well as OJJDP, reauthorization has not yet occurred. Currently, legislation has been proposed that would restore the Act's protections and increase funding levels.

### Byrne JAG

The Edward Byrne Memorial Justice Assistance Grant Program (Byrne JAG), originally funded at \$900 million in 2002, was slashed to \$170 million in 2008.<sup>12</sup> It was the largest justice assistance grant to state and local jurisdictions. More importantly, it was the only funding for multi-jurisdictional crime prevention efforts, including drug and law enforcement, prosecution, criminal reentry initiatives, and corrections activities. Due to its flexible requirements, the Byrne JAG program allows communities to build a wide range of programs based upon local needs. The program previously funded efforts that led to successful gang prevention programs, reentry programs, and drug courts. States such as New York have been forced to freeze various initiatives and eliminate

state-wide programs like legal defense and prosecution services.<sup>13</sup> These cuts have devastating and lasting effects on the infrastructure; many services cannot easily be restarted once terminated.

### Bush Proposals: "Helping America's Youth" and the "Child Safety and Juvenile Justice Program"

To replace current juvenile justice funding, Bush proposed two different programs: Helping America's Youth (HAY) and the Child Safety and Juvenile Justice Program. Both programs would further decrease the federal government's role in juvenile justice. HAY received funding of \$50 million to raise awareness about the challenges of at-risk youth and to promote connections within the community.<sup>14</sup> It was intended to initiate an effort that would subsequently be taken on and funded by private organizations. The program itself only highlights successful community efforts and does not fund any programs or state efforts that reduce juvenile delinquency. The Child Safety and Juvenile Justice Program is a discretionary, competitive grant program for states, funded at \$164 million,<sup>15</sup> a 62% decrease in juvenile justice funding from 2002.<sup>16</sup> Both programs eliminate the protections of JJDPAs, putting at-risk youth in much more vulnerable situations. Without these core protections, youth can be detained in adult facilities. Overwhelming research shows that youth in adult facilities are at greater risk of victimization and death, and likelihood of reoffending, than when detained in juvenile facilities. Elimination of JJDPAs would also remove the state accountability for DMC, which greatly impacts the health of our minority communities.

10 Ibid.

11 Butterfield, F. (2003). *Lifeline for Troubled Oregon Teenagers Is Imperiled by Planned U.S. Cuts*. *New York Times*.

12 *FY's 2002-2006 Appropriations*. (2008). US Department of Justice, Bureau of Justice Assistance.

13 Paterson, D. (2008). *Governor Paterson urges congress to pass second stimulus package to provide much needed relief for families*. New York State, Press Release.

14 *Fact Sheet: Making a difference for America's Youth*. (2005). The White House: George W. Bush.

15 \$185 million is authorized, but after administrative costs, only \$164 million is available for the program.

16 *2008 Budget and Performance Summary Report*. Office of Justice Programs, Juvenile Justice Programs.

## Opportunities for the Obama Administration

### Rebuilding the Infrastructure

The infrastructure for at-risk youth has never been particularly strong, and the past eight years has further weakened the supports that once existed. NCCD strongly encourages not only the reauthorization of JJDPA, but also the restoration of funds to the Act, as well as to the Department of Education's after-school programs, and to the Byrne JAG program. As this critical infrastructure is rebuilt, NCCD proposes the following actions to improve the opportunities for at-risk youth.

### End abuse in juvenile detention facilities

Current JJDPA protections work to protect our youth primarily from becoming involved with the adult system, but fail to protect youth's well being within the juvenile system. Detention facilities are fraught with accusations of abuse and neglect. Observations by NCCD's President, Dr. Barry Krisberg, at several California facilities show that incidents of abuse are frequent and youth have limited means of recourse or protection.<sup>17</sup> The Texas Youth Commission has been found responsible for widespread sexual abuse of youth by high-level staff. Despite efforts to prevent the situation from coming to light, hundreds of youth came forward with accounts of wrongdoing by staff.<sup>18</sup> In Florida as well, investigations demonstrate that youth are victims of excessive force, sexual misconduct, and inadequate supervision.<sup>19</sup> The 2003 death of a youth ward due to medical neglect—staff claimed the boy was “faking it”—and the 2006 death of another youth beaten and suffocated by staff attest to the shocking practices in these facilities. These conditions clearly take a toll on the mental health of confined youth; Florida reported 80 youth attempted suicide in a six-month period in 2004.<sup>20</sup>

#### Recommended Actions:

Amend JJDPA to include protections for youth within facilities. By requiring that states take steps to address conditions, the federal government does not overstep its boundaries but maintains some authority over state-run facilities. Funds should be provided to improve the physical conditions and the basic care of youth in juvenile facilities. Many juvenile facilities are outdated and unsafe. Certain modifications could improve communication between staff and youth. Staff should be properly trained and facilities should have medical and mental health professionals on site. The JJDPA should be amended to require that states identify dangerous practices in their juvenile justice facilities and eliminate these abuses.

17 Krisberg, B. (2009). *Breaking the Cycle of Abuse in Juvenile Facilities*. National Council on Crime and Delinquency.

18 Ibid.

19 Ibid.

20 Ibid.

## Ensure gender-specific care for youth

Gender equity problems stem from a juvenile system intended for young boys and ill-equipped to meet the needs of girls. Today, girls are the fastest growing segment of the juvenile justice system; in over a dozen states, the rate of incarceration for girls has increased over 30% since 1997.<sup>21</sup> Many of these girls are younger than their male counterparts and are more likely to be arrested for status offenses. More importantly, the experiences that lead girls into the system are much different than those of boys, including prior abuse and trauma within the family, pregnancy, and prostitution. By not addressing these concerns, girls are at a greater risk for continued involvement with the system.

21 NCCD Center for Girls and Young Women. (2008). *A Call to Action for Gender Equity for Girls in the Juvenile Justice System*.

### Recommended Actions:

Current language within JJDPa that requires states to improve gender-specific care exists, but clearly is not enough. The Bush Administration eliminated federal funding to support states to rectify these issues. The states should work to eliminate the discrimination of girls, particularly in regards to status offense arrests. Funding should go to only those states that provide gender-specific care (including addressing prior abuse, health needs, and family planning) for *all* girls in the system. States should be urged to implement gender-responsive diversion programs, encouraging home-based care whenever possible.

## Address the mental health needs of youth

The prevalence of mental health disorders within juvenile facilities is at least double that of the general youth population.<sup>22</sup> Communities have cut back on community-based care for the mentally ill, and many of their former clients have entered the justice system, where their disorders tend to go undiagnosed and untreated. Currently, only 53 of 3,500 facilities, or 1.5%, are accredited for facility health care.<sup>23</sup>

22 Cocozza, J. J., & Skowrya, K. (2002). *Prevalence of disorders among youth in the juvenile justice system*. Juvenile Justice Volume VII-i. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention

23 Gallagher, C.A., & Dobrin, A. (2007). *Can juvenile justice detention facilities meet the call of the American Academy of Pediatrics and National Commission on Correctional Health Care? A National Analysis of Current Practices*. Pediatrics April 2007, Vol. 119, Num. 4.

### Recommended Actions:

Our youth should not have to be arrested before they receive a proper diagnosis and mental health treatment. In fact, zero-tolerance policies have increased arrests among youth, and many of those arrested have mental health disorders or other special needs. Eliminate zero-tolerance policies and expand the Department of Education's Elementary and Secondary School Counseling Programs to diagnose and treat youth before they get involved in the juvenile system. Address the health needs of youth in the system as well. Facilities should be accredited for facility health care by the National Commission on Correctional Health Care. All facilities should be required to administer a risk and needs assessment of youth when they enter the system. This assessment should be used to determine services and better manage youth within the facility.

## Provide services for children of incarcerated parents

Law enforcement is currently not required to determine at the time of arrest whether an offender has children nor to assume responsibility of the child. This has left many children without proper caretakers. There is little data on the effects of parental incarceration on children, but in 2001, the Federal Resource Center for Children of Prisoners was founded to research the outcomes of children of incarcerated parents and to inform and train family members. This effort has since been defunded by the Bush Administration. Dr. Denise Johnston of the Center for Children of Incarcerated Parents has found a wide range of negative effects on the development of children when a parent, particularly the mother, is incarcerated.<sup>24</sup> Parental incarceration, if not a risk factor itself, often occurs with exposure to violence, poor family functioning, and neglect that may lead to juvenile delinquency. Providing services for these youth, then, is essential to stopping intergenerational incarceration.

24 Simmons, C. (2000). *Children of Incarcerated Parents*. Prepared at the request of State Assemblymember Mazzoni. California State Library.

### Recommended Actions:

Restoring funding to the Center would improve the quality and quantity of research available on the effects of incarceration on children. Sentencing Guidelines should be reviewed to examine the effects of sentences on families. Alternatives to incarceration for low-risk offenders should be considered and various agencies should be brought in to aid the family. Additionally, funding should be provided to states to build multi-agency relationships, particularly among law enforcement and social services. Funding for law enforcement should mandate training and protocol when parents are arrested. Federal funding should be provided for youth services, such as health care and counseling, as well as services for their new caregivers, such as parenting classes.

## Provide culturally and linguistically competent services

It is essential that parents are able to advocate effectively for their children. Little research exists on the children of immigrants and their hardships. The Urban Institute reports that 20% of all children have immigrant parents, and that 80% of these children are born in the US.<sup>25</sup> These families are less likely, despite being eligible, to use government services (e.g., welfare programs, daycare) because at least one parent is undocumented. These children are likely to grow up economically and academically disadvantaged. In an NCCD survey of at-risk youth and their parents in Oakland, California, over half of the parents interviewed did not speak English as a first language.<sup>26</sup> The juvenile justice system lacks translators and language-appropriate services for these youth and their families.

25 *Children of immigrants: Facts and figures*. (2006). The Urban Institute.

26 *Preliminary findings of the Outcome Evaluation of Roosevelt Village Center, 2006*. National Council on Crime and Delinquency.

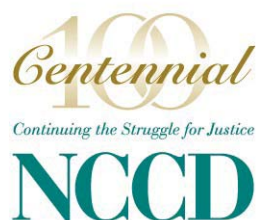
### Recommended Actions:

Parents must be able to be effective advocates for their children and must have some say in their children's future. Translation services in local jurisdictions should be funded to guide parents through the process, to help them understand the language, the law, and their options. Staff hired using these funds should be culturally and linguistically competent.

## Conclusion

Unfortunately, the topic of at-risk youth and youth violence prevention rarely comes to the media's attention until it is too late, until some tragedy occurs, highlighting the vulnerabilities of our youth. When legislators do focus on youth violence, policies tend to take the form of punitive, 'lock 'em up and throw away the key' measures that offer quick reactions. Effective prevention programs require patience. Yet the future of our youth and our nation depends upon these policies. Every new administration has the potential to restore the promise of our youth. Research has shown definitively that quality prevention programs do work and can save the country billions of dollars while ensuring promising futures for

children. The Bush Administration eliminated many of the services that communities rely upon to serve youth. Instead of spending billions on incarceration, let us spend the millions necessary to fully fund the prevention programs that we know are effective. As we begin a new era of reforming America's image abroad, let us also do so at home, by ensuring that all youth are given an equal chance to succeed, and the support to do so. NCCD strongly recommends reinstating an infrastructure that we know helps youth stay out of trouble while improving the conditions of juvenile detention facilities so that they are safe and rehabilitative.



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