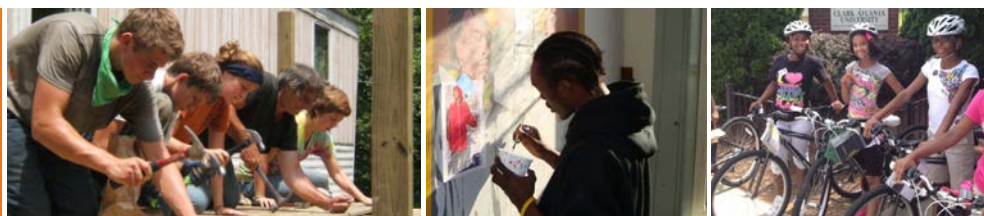


# briefing paper



## STRENGTHENING YOUTH JUSTICE PRACTICES WITH DEVELOPMENTAL KNOWLEDGE AND PRINCIPLES

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The Annie E. Casey Foundation encourages the use of positive youth development concepts to support the reform and improvement of local youth justice practices. For the developmental approach to become more than an abstract framework or a philosophical perspective, practitioners need concrete policies and procedures that align youth justice with the science of adolescent development. This briefing paper describes the Positive Youth Justice model and assesses its potential as a tool for strengthening reform.

### Introduction

Positive youth development (PYD) is a field of practice that applies lessons from the science of adolescent development to the routine practices of youth-serving organizations. The PYD approach encourages communities and agencies to build upon the positive assets of youth rather than simply reduce youth problems and treat youth deficits. It judges success by every youth's attainment of positive outcomes rather than their avoidance of negative outcomes. A PYD approach helps youth transition from adolescence to adulthood through the acquisition of pro-social skills and supportive relationships.

A developmental approach is appropriate for all adolescents, including those involved in the justice system. For justice-involved youth, PYD could be a key component in any broader strategy to reduce delinquency and ensure public safety. Of course, PYD is not a panacea. Youth affected by particular deficits, such as substance abuse, family violence, trauma, and mental health issues, may still require programs and practices that target those problems. The presence of such problems, however, does not vitiate the need to support the healthy and pro-social development of young people. Promoting positive youth development must be a central goal for all youth justice systems.

### Positive Youth Justice Model

Youth justice is a challenging environment in which to implement a rigorous PYD approach. The insights and lessons of developmental science do not translate easily into the day-to-day tasks of youth justice systems, which often focus on control and compliance. Youth justice practitioners require assistance as they apply developmental principles. The Positive Youth Justice (PYJ) Model was developed to meet this challenge. It provides a simple framework for designing PYD-compatible interventions for justice-involved young people and for supporting youth justice reforms.

The PYJ Model suggests that youth justice systems should focus on youths' acquisition of two core developmental assets (*learning/doing* and *attaching/belonging*). These two assets should be acquired and experienced by every youth within six distinct domains (work, education, relationships, community, health, and creativity).

Justice systems that adopt the PYJ Model must ensure that all justice-involved youth gain both assets across all six domains. They must measure each youth's progress in doing so. The work to accomplish this mission does not (should not) have to be the sole responsibility of the justice system. The PYJ Model is simply a method of organizing youth-related

### Positive Youth Justice

Framing Justice Interventions Using the Concepts of Positive Youth Development



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Butts, Jeffrey A., Gordon Bazemore, and Aundra Saa Merloe (2010). *Positive Youth Justice: Framing Justice Interventions Using the Concepts of Positive Youth Development*. Washington, DC: Coalition for Juvenile Justice.

### Two Core Assets

#### Learning/Doing

- Developing new skills and competencies
- Actively using new skills
- Taking on new roles and responsibilities
- Developing self-efficacy and personal confidence

#### Attaching/Belonging

- Becoming an active member of pro-social groups
- Developing and enjoying the sense of group belonging
- Placing a high value on service to others and being part of a larger community

Positive Youth Justice report (p. 16)

work to leverage the positive forces of adolescent development for all young people. To make sure that youthful offenders benefit from these forces, youth justice authorities should coordinate their efforts with youth and family service providers, workforce development organizations, school systems, cultural organizations, and even parks and recreation agencies.

To implement a developmental approach for justice-involved youth, some of the ideas underlying traditional PYD models may have to be modified. Justice-involved youth may have greater social disadvantages and educational deficits. They may also have a greater inclination than do other youth to violate rules, to disregard convention, and to defy authority. Still, the basic insights of PYD apply just as well to justice-involved youth as they do to all adolescents.

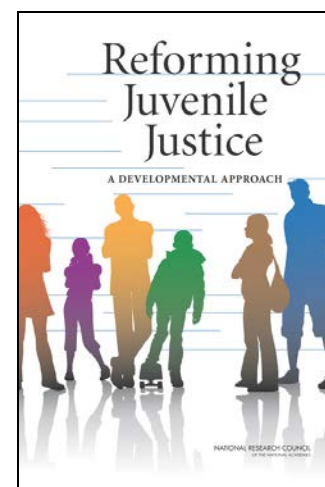
### Developmental Knowledge and Justice Practice

The Positive Youth Justice Model is not a treatment program. It is a science-informed approach to conceptualizing youth justice policy and practice in ways that are compatible with the unique mission of the juvenile legal system. The juvenile system uses different procedures and relies upon different legal structures to create rehabilitative programs and public safety provisions that are sensitive to the inherent differences between youth and adults. Interventions for youthful offenders are supposed to facilitate healthy human development rather than simply imposing proportionate punishments for unwanted behaviors.

In reality, of course, youth justice does not always live up to this ideal. Policies and practices are torn by conflicting goals. Decades of state and federal policies have been designed to prevent over-intervention and the needless criminalization of normal adolescent behavior, yet practitioners are also encouraged to intervene as early as possible with youth to prevent problematic behaviors from escalating into adult criminal careers. Youth justice systems are expected to act proactively and to intervene early in the course of delinquency, but without harming each youth's chances of becoming a law-abiding adult.

The Positive Youth Justice Model could be a useful device for managing these tensions. Youth justice interventions built around the PYJ Model provide supportive services and developmentally appropriate opportunities for youth while lessening the need for formal adjudication and court-ordered interventions. Unlike interventions that target youth deficits and risk factors (i.e. drug abuse, mental health problems, family conflicts, etc.), many of the services, supports, and opportunities suggested by the PYJ Model would actually be enjoyable for youth. Interventions in the health domain will likely include sports and physical activity. The creativity domain could involve music, video, and the visual or performing arts. If done well, youth might even enjoy the tasks designed to advance their acquisition of positive assets in the domains of work, education, and community participation.

Of course, providing positive and appealing opportunities for justice-involved youth takes resources, and it requires justice professionals to look for those resources outside of their own agencies and budgets. Whether they are law enforcement officials, judges, prosecutors, defense attorneys, probation staff, treatment specialists, or any other group working in and around the justice system, their efforts to support the positive development of youth must acknowledge what has gone badly in a young person's life, but they must build on what is going well. The justice process should begin by identifying positive assets that could be strengthened and then devise ways to build upon those positive assets to support a young person's future development.



### Development Science

The basic, developmental concepts underlying the Positive Youth Justice Model enjoy broad support in the scientific community. In 2013, an **expert panel** assembled by the National Academies of Science reviewed the implications of neuroscience and behavioral science for youth justice. In their final report, the members of the panel asserted the following (some citations omitted from original):

*Current empirical evidence from the behavioral sciences suggests that adolescents differ from adults and children in three important ways that lead to differences in behavior. First, adolescents lack mature capacity for self-regulation in emotionally charged contexts, relative to adults and children. Second, adolescents have a heightened sensitivity to proximal external influences, such as peer pressure and immediate incentives, relative to adults. Third, adolescents show less ability to make judgments and decisions that require future orientation. The combination of these three cognitive patterns accounts for the tendency of adolescents to prefer and to engage in risky behaviors that have a high probability of immediate reward but in parallel can lead to harm to self or to others. The preference for risky behaviors rises by a third of a standard deviation between ages 10 and 16, and then it declines by a half standard deviation by age 26. ... One can conclude from the body of behavioral and brain studies that adolescents clearly differ from adults in crucial ways that suggest the need for a different response from the justice system (page 91).*

## Changing the Frame

ASSUMPTIONS	PRIMARY LENS		
	Youth as Victim	Youth as Villain	Youth as Resource
<b>Origins of Most Delinquent Behavior</b>	Symptom of underlying disturbance	Anti-social impulses, lack of restraint due to permissiveness and the absence of punishment	Normative response to adolescent needs for status, belonging, power & excitement
<b>How Delinquent Youth Compare with Other Adolescents</b>	Fundamentally different in psychological and emotional makeup	Fundamentally different motivations and impulses toward deviant behavior	Largely similar to other adolescents but with fewer social assets
<b>Delinquent Youth Capacity for Behavior Change</b>	Incapable of conventional behavior without therapeutic interventions	Incapable of conventional behavior without strict discipline and the threat of punishment	Inherently capable of conventional behavior with sufficient access to supports and pro-social opportunities
<b>Principal Intervention Strategy</b>	Individual or family-based therapeutic treatment	Deterrence and retributive punishment	Skill development, attachment and engagement
<b>Role of Treatment</b>	Primary	Secondary	Secondary
<b>Risks of Treatment</b>	Could fail to address underlying cause(s)	Could delay or impede deterrence	Could introduce stigma or harm—i.e. iatrogenic effects

Source: Positive Youth Justice report (p. 12)

### Implementation Challenges

Justice systems often focus on the wrong questions. They ask, “what is the right punishment to get this kid’s attention?,” and “what is the right treatment for his or her problems?” Instead, the conversation needs to shift to far more basic questions: “how can we ensure that this young person has the sort of experiences that we know lead to productive and law-abiding adulthoods for all of us?” And, just as importantly, “how can we do it in partnership with families, schools, and community-based groups?”

Development science tells us that providing positive opportunities and experiences for youth works better than threatening or coercing them into changing their behavior. Young people are wonderfully resistant to the efforts of adult authority figures who lecture, reason, and threaten punishment. Adolescents respond much better to their own learning experiences and they are most receptive to experiences that occur in the context of valued relationships, either with their age peers or with genuine and caring adults.

The key question is not, “how should we fix this young person?” The important question is, “how can we leverage the efforts of the youth, family, and their own community to make sure that this young person has access to the resources, skills, and experiences that lead naturally to less delinquency?” Moreover, “how can we do it cost-effectively and with as little coercion as possible?”

Community partners and allies are essential in any effort to implement the PYJ Model. Raising the awareness of youth justice professionals alone is insufficient. Even if the judge and the prosecutor, or the probation worker and detention supervisor understand the developmental approach and believe in its value, they will need resources to implement it fully. Any good faith effort to implement the PYJ Model will be resource intensive. Justice systems will never have enough resources to go it alone.



The necessity of a system-wide approach makes the PYJ Model complicated to manage. Responsibility for young people passes from one organizational setting to another during the justice process. A youth typically encounters the police first, then the court system, perhaps a defense attorney and the prosecutor's office, probation, social services, or even a residential facility or detention center. Moreover, the process is not always linear. Youth often cycle through these contacts several times during the course of a delinquency matter. To implement the PYJ Model completely, everyone having any contact with the youth and family should ideally embrace the developmental approach.

This requires inter-organizational training and performance monitoring. No policymaker should advocate an approach in which the court or the probation agency runs everything — overseeing its own mental health services, employment supports, schools, sports and cultural opportunities, etc. To be effective, the youth justice process should involve a lot of subcontracts and memoranda of understanding. Agencies naturally focus on their own missions, but under the PYJ Model they need to coordinate their efforts to ensure a developmentally appropriate response for justice-involved youth.

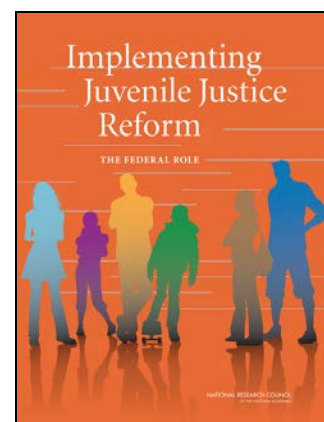
This complicated work must be possible without requiring formal adjudications and court orders in every case. If a judicial order is the only pathway to ensuring developmentally appropriate supports and opportunities for youth, then the PYJ Model would be just another name for net-widening and excessive intervention. On the other hand, if a particular young person requires formal adjudication and even restrictive sanctions, this should not be an excuse to abandon the core principles of youth development. The developmental approach is not an option to be used only for less serious cases or for diversion. The lessons of developmental science remain relevant for all adolescents, whether or not they have even been charged with serious offenses.

### The Gap in Developmental Approaches

If youth justice systems are to be comprehensive and effective, they need to address the factors that lead individuals to become involved in offending, but they also need to facilitate desistance. Just what are the factors that facilitate desistance?

In 2014, the Ministry of Justice in Great Britain published a report entitled “**Transforming Rehabilitation: A Summary of Evidence on Reducing Reoffending.**” The report from the Analytical Services unit of the Ministry of Justice contained a comprehensive review and summary of the research base about reducing recidivism. One issue summarized in the report was, “What helps individuals desist from crime?” The review identified these desistance factors (page 8):

- Getting Older and Maturing;
- Family and Relationships;
- Sobriety;
- Employment;
- Hope and Motivation;
- Having Something to Give to Others;
- Having a Place Within a Social Group;
- Not Having a Criminal Identity; and
- Having Someone “Believe in” Them.



### Implementing the Developmental Approach

In 2013, the National Research Council published the report, *Reforming Juvenile Justice: A Developmental Approach*, which summarized research on adolescent development and the effects of justice system interventions on young people.

In October 2014, the NRC released a follow-up report that focused on the federal role in prioritizing policies and practices to facilitate reform of the juvenile justice system using developmental knowledge.

The report identified seven “hallmarks” of a developmental approach to youth justice (page 2):

1. *Accountability Without Criminalization*
2. *Alternatives to Justice System Involvement*
3. *Individualized Response Based on Assessment of Needs and Risks*
4. *Confinement Only When Necessary for Public Safety*
5. *A Genuine Commitment to Fairness*
6. *Sensitivity to Disparate Treatment*
7. *Family Engagement*

## All Evidence-Based Programs Available for Youth Justice

### INTERVENTION APPROACH

POPULATION OR SETTING	Supervision and Surveillance	Family Therapeutic & Cognitive Based	Social Development
<b>Primary Prevention Programs in Healthcare, Schools, or Family Services</b>		LifeSkills Training ** Brief Strategic Family Therapy * Parenting with Love & Limits **	Families and Schools Together ** Career Academy ** Guiding Good Choices * * Strengthening Families ** Good Behavior Game ** <i>[ Many others not listed. ]</i>
<b>Early Intervention Programs Suitable for Youth At-Risk of Formal Justice Involvement</b>	Front-End Diversion Initiative (Texas) * Youth Courts *	Aggression Replacement Training ** Family Group Conferencing *	Project BUILD ** Adolescent Diversion ** Victim-Offender Mediation (Minneapolis) * "Connections" * Behavioral Monitoring and Reinforcement Program * Job Corps *
<b>Programs for Justice-Involved Youth in Community Settings or Non-Secure Placements</b>	Reduced Probation Caseloads * * Drug Courts (if properly targeted) *	Multidimensional Family Therapy ** Functional Family Therapy ** Multisystemic Therapy * * Multidimensional Treatment Foster Care * * Thinking for a Change *	NONE YET
<b>Secure Residential Placements and Correctional Facilities</b>	NONE YET	Mendota Juvenile Treatment Center * Equipping Youth to Help One Another *	NONE YET

Source: All programs or practices rated by either [www.crimesolutions.gov](http://www.crimesolutions.gov) or [www.blueprintsprograms.com](http://www.blueprintsprograms.com) as of September 2014 that were: 1) rated as at least "promising" ( \* ) or "effective" and "model" ( \*\* ) by either website; 2) designed for the youth population either at-risk of involvement or already involved in youth justice; and 3) designed to intervene at the level of individual offenders. In other words, some programs and practices that would be effective in a broader crime prevention context are not included because they affect crime at the group or community level (e.g., hot spot policing, street lighting initiatives, Business Improvement Districts, CCTV programs, the Cure Violence model, focused deterrence, and large-scale youth development programs such as Communities that Care).

Unfortunately, youth justice systems are not designed to address the full range of factors associated with desistance. This is especially true when lawmakers restrict funding and contractual investments to program models that are already considered evidence-based. When systems limit their programmatic menus to interventions already supported by strong evidence, some of the most important factors related to offending and desistance are excluded. Specifically, few programs endorsed by existing research are based on the principles of developmental science.

A thorough review of the youth justice programs already rated by *Blueprints* and the U.S. Department of Justice website, [crimesolutions.gov](http://crimesolutions.gov), reveals that there are many evidence-based programs that follow a developmental approach, but nearly all are designed for young children, parents of young children, or school settings. Only two programs that could be appropriate for justice-involved youth (Project BUILD and a decades-old Adolescent Diversion program) are rated as effective or as "model" programs. A few others are considered "promising," such as Job Corps and Victim-Offender Mediation.

The evidence-based models available in the youth justice field are typically cognitive-based programs and various forms of family therapy. Of all programs rated “effective” by *crimesolutions.gov*, only one (LifeSkills Training) is explicitly skill-based. The others are all variations of therapy. Program models rated as “promising” are only slightly more diverse, as they include the restorative “family group conferencing” program and the peer support approach of the “EQUIP” program.

## Broadening the Reform Agenda

Building a comprehensive and developmentally-informed approach to youth justice requires us to look beyond the current research base. The findings of existing and available evaluations are simply not an adequate foundation for making all of the choices involved in designing and operating a modern youth justice system. The evidence base of today is always the fruit of yesterday’s research investments. As long as this is the case, systems must exercise caution in how they interpret and apply the evidence produced by evaluation research.

Before positive youth development can become the standard approach for working with young people involved in the justice system, researchers and practitioners must collaborate to test and refine the variety of practices and policies suggested by adolescent development science. The Positive Youth Justice Model is one attempt to construct an actionable framework that joins the operational realities of youth justice with the broad array of ideas linked with positive youth development.

Practitioners and community leaders must continue to explore important questions about the PYJ Model in order to clarify the best methods for implementing it. How can the basic ideas of PYJ be implemented in practice? How can they be implemented with fidelity in justice systems that emphasize low-cost and high-control more than they emphasize youth development and community engagement? Youth justice systems have to answer a number of challenging questions as they work to build practices and programs around the ideas of positive youth development. Some of the most important questions include:

1. How can a probation department or juvenile justice agency build and maintain what is an inherently positive framework inside a larger system that is based on enforcing youth compliance with judicial orders?
2. Can a justice system build all the activities and opportunities for youth that are suggested by the PYJ Model without obtaining the financial resources required to operate and manage such a system itself? Can youth justice agencies collaborate effectively with community-based groups?
3. How can a PYD-inspired system fit into the risk-assessment culture that dominates justice policy today? Decision-makers think mainly about youth risks, and not youth strengths. How can a positive youth development model fit the current policy and practice climate?
4. If the PYD approach were to infuse local justice systems with positive opportunities for youth — the sort of opportunities not often available in disadvantaged communities — how would officials ensure that youth would not be adjudicated simply to access those resources? In other words, is it possible that a vigorous PYJ Model would lead to “net widening?”

## Next Steps

The Annie E. Casey Foundation’s Juvenile Justice Strategy Group is investigating the feasibility of relying on the PYJ Model as a guidepost for supporting youth justice reforms at the local level. In the coming months, staff and consultants from the Foundation will be reaching out to practitioners and decision-makers to explore these ideas and to assess their utility for ongoing efforts to improve the effectiveness and quality of justice systems.