This project used qualitative information gathered from interviews with stakeholders in D.C.’s juvenile justice system to identify common themes. The researcher and the partner organization, DC Lawyers for Youth (DCLY), hope that results will inform future studies, provide a forum for discussion of problems and potential solutions, and inspire further academic, legislative and community efforts. DCLY plans to use this information as part of a larger research project with the goal of increasing and enhancing the dialogue among juvenile justice policy makers in the District.

The first juvenile court in America was founded in 1899 in Cook County, Illinois, expanding on work on by child welfare philanthropic organizations and the practice of establishing reformatories for delinquent and dependent children. The original mission of the juvenile justice system was one of rehabilitation rather than punishment: discipline, education and work were emphasized, and the court sought to return a youth to his/her community an improved citizen. Like the child welfare system, the juvenile justice system received both private and public financial support, and until the 1960s, remained the domain of state and local governments. By 1925, all but two states had established juvenile court systems, most of which shared a number of features that distinguished them from the adult criminal system and aimed to protect the child: courts were closed to the public, there was no jury present, delinquent youth were separated from adults, and each youth was assigned a probation officer as part of a treatment program.
Likewise, the majority of states followed Cook Country in defining a juvenile as a child under the age of 16 and prohibiting the detention of children below the age of 12 in a police station or jail (CRS, 2007). Following the mission of rehabilitation, many courts also handled cases in an informal manner, allowed the court to control which cases would be tried, and considered extra-legal factors, such as a child’s family or economic situation (CRS, 2007).

The federal government played a minimal role in the early juvenile court system. The White House Conference on the Care of Dependent Children in 1909 mirrored the rehabilitative mission of the early courts, but the first federal subsidy programs did not start until 1936, under the supervision of the Children’s Bureau (CRS, 2007). The Federal Juvenile Delinquency Act of 1938 (FJDA) encouraged the use of state juvenile justice systems for children who violated federal laws, and was amended in 1951 with the Federal Youth Corrections Act that established special rehabilitation options for youth tried as adults in the federal system (CRS, 2007). The federal government’s role in juvenile justice remained largely unchanged until the 1960s and 1970s. Then, in 1968, the Juvenile Delinquency and Youth Offense Control Act of 1961 and subsequent legislation provided federal funds for local and state governments to conduct research, train juvenile justice personnel, and create an agency in charge of improving youth crime prevention and control programs (CRS, 2007). In response to a 216% increase in juvenile arrests for violent crimes between 1960 and 1974, Congress also passed the Juvenile Justice and Delinquency Prevention Act in 1974; this was the first comprehensive piece of juvenile justice legislation, and created the Office of Juvenile Justice and Delinquency Prevention.
In the 1980s and 1990s, in response to the crack/cocaine epidemic, drastic increases in juvenile crime and a negative public perception of youth, the majority of states enacted more punitive measures. In varying combinations, these laws placed youth in the adult criminal system, created mandatory sentences for certain crimes, removed or limited confidentiality, and expanded sentence options for juveniles (CRS, 2007). Similar reforms occurred in the federal juvenile justice system.

Juvenile crime, however, has remained a topic of concern since these changes. According to OJJDP: Juvenile justice arrests 2008, which draws on data from local law enforcement agencies’ reports to the FBI’s Uniform Crime Reporting Program, there were 2.11 million arrests of persons younger than 18 in 2008, a 3% decline from 2007 (U.S. Department of Justice [DOJ], 2009). In 2008, juveniles accounted for 16% of violent crime arrests and 12% of violent crimes cleared, using FBI statistics that measure four offenses: murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault (DOJ, 2009). As of 2008, the juvenile murder arrest rate had risen to 3.8 arrests per 100,000 juveniles, 74% lower than the 1993 peak of 14.4, but still of concern (DOJ, 2009). Nevertheless, it is important to note that rates for violent crime arrests in 2008 were less than any year in the 1990s when the last major crime wave occurred.

Breaking statistics down by demographic factors can illustrate important changes in the composition of juvenile crimes: although juvenile arrests for aggravated assault decreased overall, the rate for males decreased more than females (22% vs. 17% from
On the other hand, juvenile arrest for simple assault decreased more for females than males (12% vs. 6%); these gender differences are similar to those seen in adult crime rates (DOJ, 2009) and illustrate the need for research concerning their causes. Statistics also reflect the trend of an overrepresentation of minority youth, with black youth involved in 52% of juvenile violent crime arrests and 33% of juvenile property crime arrests in 2008, even though they compose only 16% of the youth population (Hispanic youth were included in the “white” category, which accounted for 47% of violent crime arrests). These statistics parallel findings that demonstrate that crime is more common in minority and low-income neighborhoods. D.C. is an urban area with a high percentage of minority populations: in 2009, blacks and Hispanics/Latinos compromised 54% and 8.8% of the population, respectively. D.C. also has high rates of poverty, with 16.9% below the poverty level compared to the 13.2% national average (U.S. Census, 2010). It follows that D.C. experiences dramatic problems with all types of juvenile and adult crime, and crime prevention is an increasingly important issue.

Although in recent years, the juvenile justice system has begun a shift back toward the rehabilitation mission promoted by its original creators, D.C. seems to waver between rehabilitative and punitive measures. For instance, after a 1985 lawsuit exposed the mistreatment of youth and subpar facilities at the Oak Hill Youth Detention Center and caused public outcry, it was closed; in 2009 the $46 million New Beginnings Youth Center was opened, with specific emphasis on rehabilitative programs (Department of Youth Rehabilitation Services [DYRS], 2011c). On the other hand, in July, 2010, former DC Mayor Adrian Fenty appointed a new juvenile justice chief, Robert Hildum, whose critics claim has encouraged the use of more punitive measures at Department of Youth
Rehabilitation Services (DYRS, 2011c). Similarly, DC Public Schools (DCPS) remains a large source of referrals to the juvenile courts, contributing to the image of a “school-to-prison pipeline,” fueled by the use of metal detectors, zero-tolerance policies and police officers in schools. Finally, education reforms and the establishment of education as a priority, both nationally and in D.C., may affect attitudes towards juvenile justice.

A dearth of research, however, limits the ability of legislators, judges, advocates, school administrators and community members to develop well-supported, comprehensive programs capable of receiving funding, inspiring the potential for change, and achieving wide-spread and convincing results. Given the diversity of juvenile justice procedures and programs across states, the lack of funding and the need for structured research directions, it seems that preliminary studies are necessary as a first step.

This study aims to fill that void by using qualitative methods to gather information from key stakeholders who have professional and/or personal experience in D.C. juvenile justice system. Stakeholders include: judges; prosecutors; defense attorneys, service providers; teachers, counselors and school administrators; probation officers and Court Social Services (CSS) personnel; government and council members; parents; and former youthful offenders. A qualitative interviewing method is well suited to this issue because it allows flexible exploration of themes, provides thick description and enables contextual understanding. Qualitative interviewing also attends to the voices of participants, an importance feature given the diversity of stakeholders in the juvenile justice system. Finally, free-response qualitative interviewing and an exploratory approach are less constrained by the researcher’s assumptions and opinions.
The researcher hopes that the identification of common themes will enable community members, policy makers and other stakeholders to discuss problems and work toward improvements. Themes identified by this study may also inspire future research or inform hypothesis used for experimental studies and program evaluations.

Method

Participants

DCLY staff used a snowballing sample to identify stakeholders that served as potential participants; the resulting “Stakeholder List” was created initially for internal purposes as part of DCLY’s “Stakeholder Survey” initiative. DCLY requested that the researcher use the Stakeholder List to continue and expand their initiative. The Stakeholder List includes persons with professional and/or personal experience with the juvenile justice system, including judges; prosecutors; defense attorneys; service providers; teachers, counselors and school administrators; probation officers and CSS personnel; government and other council members; parents; and former youth offenders who are now over the age of 18.

Nine stakeholders were interviewed for this study. They included a counselor, two teachers, three service providers and three defense attorneys. More participants, ideally from diverse stakeholder groups, will be interviewed by DCLY staff and boardmembers who will take over the study in early April, 2011.

Materials

DCLY also developed a set of 12-34 questions for each stakeholder group as part of their “DC Juvenile Justice Stakeholder Survey.” The majority of survey questions are open-ended, allowing participants to discuss their opinions and thoughts freely.
Participants were encouraged to discuss each question for as long as they like, or to discuss any topics pertinent to juvenile justice that were not directly mentioned by the questions.

For all groups, the survey starts with background information, for example: “Do you live in the District?” “How long have you worked within the juvenile justice system?” “What offenses were you most recently charged with?” Other questions examine communication obstacles, parental involvement, conditions at detention centers, services, community organizations, relationship between youthful offenders and school personnel, prevention, recent changes to juvenile justice laws and/or system, and the administration of Family Court, the Voucher system and the papering system. Further questions ask for description of stereotypes of youth, high-risk groups, and underserved groups; opinions about the purpose of the DC juvenile justice system; and an example of a successful exit from the juvenile justice system. Surveys end with the following questions: “Who else should we talk to for purposes of this survey?” and “Is there anything else you have on your mind related to the DC juvenile justice system?”

**Procedure**

Using the “Stakeholder List,” the researcher recruited possible participants through e-mail and phone call. Emails included information about the research team (DCLY and the mentor’s lab, the Center for Research on Women, Adolescents and the Law, (CRAWL)), project purpose, interview procedures and with whom results may be shared. If a possible participant did not answer his/her phone, a voicemail was left with contact information and a brief description of the study. Through emails and phone calls, the researcher set up mutually agreeable meeting times and places with the participants; meeting places
included coffee shops and participant offices/classrooms. Because the interviews were conducting on a “rolling” basis, the recruitment phase continued as the researcher conducted, transcribed and analyzed earlier interviews.

Upon meeting the participant but before beginning the interview, the researcher answered any questions and reviewed and signed the informed consent form with the participant. Each participant was also given a copy of the informed consent form and informed that he/she may request a copy of the thesis in May 2011 by contacting the research team. All interviews were recorded using an Olympus Digital Voice Recorder VN-5200PC. This allowed the interviewer to take minimal notes and maintain the flow of conversation. It also ensured that all of the participant’s words were captured accurately so that important quotes, trends and themes could be analyzed.

Interviews lasted about 45 minutes to one hour. The researcher attempted to ask all questions pertaining to the participant’s stakeholder group; however, the order of the questions was guided by the participant’s responses and sometimes, not all questions were asked due to time constraints. Although the researcher stated the questions as phrased, the interviews were conducted to facilitate open conversation. Thus, the researcher acted as a general guide and asked clarifying questions, but participants were encouraged to reflect on a particular subject for as long as he/she liked.

After each interview, the recording was uploaded into the CRAWL lab computer and coded with an identification number assigned to the participant. The list of identification code numbers and participant names was kept as a password-protected file on a password-protected computer accessible only to the researcher. Each audio file was
uploaded into the NVivo 8.0 software, which allowed the researcher to play the audio and transcribe it into text in the same computer window.

*Risks to Participants and Safeguards*

Given the controversial nature of issues surrounding juvenile justice, and the potential that some participants came from socio-economically or educationally disadvantaged backgrounds, ensuring participants confidentiality and safety was important. This study posed minimal risk to participants. Participants were asked to discuss the juvenile justice system in light of their professional/community role, thus the primary risk is that the identification of a participant by someone outside the research team could damage a participant’s reputation. To prevent this identification, during the recruitment and interview process, the list of potential participants (“Stakeholder List”) was maintained as a password-protected file on a password-protected computer, accessible only to the researcher. In order to protect confidentiality, each participant was assigned a code number, and names were not used in analysis or results. Upon completion of all interviews, the Stakeholder list and the list of participants’ names and code numbers were returned to DCLY.

Audio recordings were kept in a locked office (WGR 306K), and were destroyed after transcription. Interview notes were kept in a locked file cabinet in a locked office (WGR 306H), and were destroyed after recordings were transcribed.

One electronic copy of each interview transcript was kept as a password-protected file on a password-protected computer, in the CRAWL lab, accessible only to the researcher. A second electronic copy will be kept on backup external hard drive, which was stored in a safe in a locked office (WGR 306H).
Efforts were made to interview multiple participants across stakeholder groups. Participants were not asked to discuss specific cases or individuals, but rather, to reflect on the juvenile justice system in general. If a participant mentioned identifying information during the interview, the interviewer did not note the identifying information and any identifying information was eliminated from interview transcripts.

Analysis

To transcribe and analyze the interviews, the researcher used NVivo 8.0 software, designed for qualitative researchers working with rich text based and multimedia information, where deep levels of analysis are required. This software allowed the researcher to classify, sort and arrange information; examine relationships in the data; and add to analysis links, notes and models.

In order to analyze the data, the researcher made several passes of coding through each transcript. During initial passes, the researcher used descriptive coding methods to label paragraphs, sentences and phrases with general or specific labels, such as “academics” or “stereotypes,” creating free nodes. After performing descriptive coding on three transcripts, categories and subcategories emerged and were formatted as parent and child nodes. For example, under the parent node “groups and subgroups of youth,” child nodes included “mental health,” “LGBTQ,” and “Spanish-speaking.” The researcher continued to perform descriptive coding on each new transcript, adding to established parent nodes or creating new free nodes. During a later cycle, nodes were consolidated and reorganized, separating larger nodes into more specific themes; for example “mental health” became its own categories rather than a child node. Finally, the researcher went through each transcript, making sure earlier transcripts had been coded to
newer nodes. Throughout the coding process, the researcher also used “In Vivo” coding, which creates a node of the exact words chosen; this allowed the researcher to identify particularly powerful or representative quotes that could be used in the discussion and results to give voice to participants.

Results and Discussion

Participants Perceived Juvenile Justice as an Important Issue

Throughout survey questions, participants across stakeholder group seemed to perceive juvenile justice as an important issue, both on a national scale, but especially in their communities given certain problems specific to DC. Participants’ responses that indicated the importance of juvenile justice can be organized into two main categories: juvenile justice is a large problem in DC and juvenile justice is a problem worth dealing with.

First, participants identified the scope of problems associated with youth criminality, citing similar reasons as those seen in the media, in academic texts and in practice circles. Defense attorneys, teachers, counselors and service providers all discussed the pattern of re-arrest occurring among youth. One participant described how “it’s sad that we've spent all this time and money for the kids on the front end, but we've got nothing to show for it in the end” because a “tragically large number” of them get re-arrested. Others emphasized how a cycle of re-arrests can be very detrimental to the youth, who likely falls further behind in school, has a more serious criminal record, and is more likely to enter the adult system. Presumably, these re-arrests cost the government and citizens a large amount of money, as does a youth’s entry into the adult criminal system. Importantly, one defense attorney explained that the amount he can bill for his
work on a misdemeanor case is nearly eight times larger in DC than in Virginia. Another indicator of the scope of youth criminality problems that was identified, the high rate of incarceration of minorities, is reflected by quantitative statistics (described in the paper’s introduction). One participant described the high rate of incarceration of minorities as the major social justice issue of our generation, saying that in 100 or 200 years, we may negatively view the high incarceration of minorities as we negatively view slavery today. Other participants indirectly addressed the incarceration of minorities by explaining that stereotypes of youth under court supervision often include their racial minority status. Certainly, a high recidivism rate, the large social and economic costs of youth criminality and the disproportionate representation of minorities in the juvenile court system indicate that juvenile justice is an important issue.

Participants also made statements which indicated that they perceive issues surrounding juvenile justice as worth tackling, identifying youth as the nation’s future, taking a children’s rights perspective or considering juvenile justice a society and government responsibility. Four participants emphasized how youth are the nation’s future: two said that the purpose of the justice system was to form “productive citizens,” another discussed how vulnerable youth and youth under court supervision are a part of her current community, and a third focused on how those youth will continue to be part of the DC community in the future. Across groups, participants identified improving the juvenile justice system and related systems as society’s and the government’s responsibility. According to one defense attorney, whether or not we have experience with the juvenile justice system, we should recognize how society has contributed to the problems plaguing vulnerable youth, such as violence, geographic isolation and mistrust
of government. Similarly, another defense attorney explained that because youth are our nation’s future, it is the responsibility of government and society to create rehabilitative techniques that will not further “damage” these youth. Likewise, a teacher emphasized that “in order to make sure our society is better, our community is better, we all need to be working together” to aid youth at risk of court involvement. A service provider’s responses indicated similar feelings: she said we must acknowledge that we have a “duty” to create preventative rather than reactive measures and that something “full scale” needs to be done to “admit that it is a responsibility of our society to take on rather than the responsibility solely on the parents.” She also mentioned children’s right’s, indicating the belief that despite their dependent status, as human beings children inherently posses the rights to life, liberty and the pursuit of happiness that our Constitution extends to adults.

It is important to note that the reasons participants cited are relevant to persons who have no or only limited personal and/or professional experience with the juvenile justice system. That is, teachers felt that school discipline policies that refer youth to the justice system (school arrests, zero-tolerance, etc) were important, but also discussed juvenile justice as a children’s rights issue and a responsibility of American society. Along with participant quotes, this indicates that continuing research on juvenile justice is important not only for system Stakeholders, but for American society as a whole.

The Reality of Life for Disconnected and Justice-involved Youth and Their Families

Possible Exposure to Poverty, Domestic Abuse and Sexual Abuse
All participants discussed the difficulty of life for many youth under court supervision and youth at risk of court-involvement. Although stories about and studies of life in poverty are abundant and easily encountered, participant’s description of the lives of vulnerable children in D.C. is relevant to this project – understanding life as an vulnerable youth in D.C. as the participants understand it may help explain participants’ frustrations with the shortcomings of D.C.’s juvenile justice system and may provide further impetus for positive changes. Across groups, participants emphasized that many of vulnerable youth “needs” are not met and described these youth as trying to “survive,” struggling against hunger, lack of sanitation and health care, drug abuse, domestic violence, and sexual abuse. One service provider said that she didn’t think “people understand how many of their basic needs aren't being met – basic physical needs such as hunger, shelter, clean clothing, a bed to sleep in. But then also basic social needs, just emotional support: love, attention, nurturing.” Likewise, a defense attorney estimated that 70-80% of his female clients and 50% of his male clients had been sexually abused, hypothesizing that the high percentage of adults in D.C. who have been incarcerated has led to a “corrupt” socialization in which abuse is tolerated. He also said that as a result of the high potential for abuse, all of his female clients carry weapons. Similarly, a service provider described how these vulnerable children and youth are surrounded by domestic violence:

It could be experiencing violence themselves. Domestic violence from their parents or from other people in their lives. It could be witnessing violence, it could be witnessing their parents or their mother or their sister being beaten. It could be witnessing shootings in the community. It could be knowing ten friends
and family members who have died in violent ways.

While the majority of participants mentioned drug abuse in these youth’s families or neighborhoods, or by the youth themselves, two participants also explained how youth may feel they need to sell drugs to make money. A service provider discussed that her organization struggles to connect youth to positive employment opportunities that compete with the money they can make selling drugs. Certainly an environment of violence, abuse, poverty and drugs contributes to the likelihood that a youth becomes involved in the court system.

*Adverse Family Circumstances*

All participants also described difficult family and cultural situations that contribute to the difficulty of live for many disconnected and justice-involved youth. When asked about family structure, all but one participant described single-parent households, most commonly lead by a female, be it a mother, aunt or grandmother. Two participants explained that as a result, youth may be required to act as caregivers for younger siblings, a practice that complicates efforts to provide services because it means that services must be provided for the youth and the siblings he/she cares for. Another trend in families of vulnerable youth is transition, “a lot of turnover of people…often multiple kids from different families” in one home, or the youth frequently staying somewhere other than his/her official permanent address. Similarly, although certainly not all families of vulnerable youth abandon their children or cannot provide adequate support, more than half of the participants discussed a trend of neglect, abandonment, or parents own struggles undermining their parenting abilities. As one service provider explains, “low income communities often have parents that are struggling in different
ways: it might be substance issues, it could be a lack of support, it could be having too many jobs, it could be disinterest.” Others explained that parents may be criminally involved, suffer from mental health issues or simply not know how or where to seek help.

Importantly, participants noted that for many families, their lack of involvement in a youth’s life or their inability to provide positive alternatives to delinquency may be due solely to low socioeconomic status. As one defense attorney explained, “I don’t get referred many cases where there are parents who are not doing 75 other things, working 2 jobs, raising a whole bunch of kids, you know, just feeling pulled in so many different directions.” These families may struggle to aid their youth in attending court dates or completing a treatment program; a service provider said,

For some of our kids they don't have a lot of family support or not a lot of family members are available. It might be that most of the parents are single parents: a lot of the times they're working during the day, they're not going to be able to come to a court case.

Likewise, defense attorneys acknowledged that meeting court orders can be difficult for busy parents because there is “a lot of running around,” and that the participation orders designed to force parents to monitor youth and attend court dates are considered “an inconvenience.” One counselor tries to overcome this barrier to successful rehabilitation by driving family members to court when possible, while service providers described acting as a liason between court and parent, or attend court meetings in place of a parent. Participants also explained that a parent’s busy schedule can inhibit communication, making it difficult for other adults to aid youth in completing academic or court requirements. A service provider explained that many of the youth she tutors are from
“single-family household[s] where a mother, or a father in fewer cases, is working overtime to be able to support those kids and therefore not available during those hours where you want to be able to communicate with them.” Similarly, for a teacher, there are “situations in which the parents are really trying to work hard because they’re working from five in the morning and twelve at night” so “the communication hasn’t been the best between teachers and parents when it comes to those particular students.” Finally, a defense attorney explained that parents’ frustration at the number of requirements to be met for treatment programs and stress at their busy lives can create negativity in their relations with their attorney:

Parents are overwhelmed with all the responsibilities that they have in their lives, with their own employment, with their other children, with whatever is going on and the number of court hearings and teen meetings and all that that happen in the delinquency system, I think, are overwhelming for parents. So sometimes they take it out on us.

As participants explained and court practices imply, the involvement of parents or family members is a critical part of a successful rehabilitation for justice-involved youth. Although the court system may, like the participants, understand that balancing a child’s court orders and jobs or personal struggles is challenging, it does not seem that in practice, much help is given to parents. Certainly, preventing youth involvement in the juvenile justice system would ease this need, but for those families who do come in contact with the court, it seems that more effort is needed to provide flexible treatment programs or create partnerships with neighborhood organizations that can directly assist families.
Mistrust of the Juvenile Justice System

Participants explained that attempts by community members or court personnel to prevent delinquent behavior or rehabilitative a youth may also be complicated by feelings of mistrust of the juvenile justice system. One participant explained that youth may consider their treatment program to be a waste of time because their parents have a “dim view” of the court system resulting from personal experience, or because the youth him/herself knows parents, neighbors or relatives currently or previously incarcerated. Another explained how a history of negative interaction with the court system can affect youth’s perceptions of the system: “if they see themselves as a prisoner with other prisoners then it’s a very different environment than thinking about themselves as a community.” Certainly, negative feelings towards the court make it more difficult for youth to successfully complete rehabilitation programs.

What’s more, participants explained that when parents are unwilling, or more commonly, unable to provide adequate support to youth, the community of these youth is not acting as the “safety net” it might in a more affluent area. Participants commonly drew parallels to their own lives or the lives of affluent youth to explain how this safety net does not exist:

I even think, even if you have a crazy mom, or an alcoholic father, if there is something in the community that you can lean on, you're going to be able to get through that. Like the kids in Bethesda all deal with that kind of stuff. But there isn't anything.

This lack of community support may lead to the feelings of hopelessness and mistrust of the community and/or government described above. As a defense attorney explained,
If you think of your own lives and how it is that you came to be successful – you know, college, masters program – it’s cause somebody somewhere supported you and encouraged you. That’s not to say, this is not a slap against mothers of these kids or fathers of these kids, it’s just that as a community they get the message that there’s no hope and there are no alternatives.

A Lack of Positive Alternatives to Delinquency

Even for families and youth not in crisis or requiring a large amount of community support, there are few positive opportunities for recreation or employment for these youth. Either in describing causes of involvement with the juvenile justice system or suggesting additional resources and/or interventions, eight of nine participants emphasized a lack of positive alternatives. One attorney described a client who “wanted to play basketball so bad but there didn’t seem to be a resource for getting him a basketball.” Others described a lack of opportunity for employment, recreation or after-school programs: ways to “hang out with other kids.... and maybe become creative,” “midnight basketball,” “libraries, restaurants,” “community centers and parks.” Participants explained how these youth “want to belong to something,” and that “if [these youth] were in productive, fulfilling, rewarding, self-rewarding activities, we would see a lot less crime.” Thus, for youth who experience poverty or abandonment and lack positive alternatives, participation in delinquent behavior may seem attractive or the consequences of those actions less feared.

It is possible that the difficulties of poverty, the negative influences of violence and abuse, difficult family situations, and a lack of alternatives push these youth toward the gangs, drug-selling or other activity that gets them in trouble with the juvenile justice
system. Participants discussed the prevalence of gangs in DC, rivalries over neighborhoods, and living in “the streets.” For example, a service provider explained that DC has a “different gang scenario” than other cities, a “historical culture of rites of passage that include” law breaking activities, and a prevalence of certain types of crime, specifically grand theft auto. While this participants’ observations concerning crime prevalence over the years may or may not be statistically accurate, her assertion that DC’s juvenile justice system must “focus very significantly on understanding that culture” seems true; that is, DC’s court system must fit its rehabilitation techniques and interventions to the “culture” of the youth who are most likely to enter that system.

Similarly, DC’s juvenile justice system cannot expect to prevent vulnerable youth from entering the system if it ignores the pressures on them to join gangs or does not recognize how gang rules, rites of passage, or rivalries might affect a youth’s thought process during adjudication or his/her receptiveness to a certain treatment program.

Although not specific to DC, comments also focused on the link between neighborhood loyalty and juvenile delinquency. For example, one teacher cited two examples of youth who were suspended or expelled for assaulting other students who “talked” about their neighborhoods or who would “hurt anyone in her neighborhood.” Likewise, a counselor described a young man who is serving 15 years for a murder that his friend supposedly committed:

It wasn’t him, everybody knows it wasn’t him. I think it really speaks to this code on the street, this neighborhood stuff, the importance of not snitching and loyalty to your friends more than you have loyalty to your family because ultimately you’re away from your family that long.
To many of these youth, it seems that “neighborhood” has a strong meaning – the “streets” or the “hood” may replace a youth’s absent family, fulfill a desire for recreation, provide opportunities for “achievement” within gangs and fulfills the adolescent need for peer interaction. Importantly, two other participants explicitly described how the neighborhoods to which these youth are so loyal are often isolated and underserved. One explains that society should take some responsibility for creating “these isolated neighborhoods that spawn pockets of crime and violence and distrust,” while another says that the way resources are distributed in DC leads youth in certain neighborhoods to feel “completely neglected” and “disenfranchised” by the system. Although only mentioned by one participant, it is important to note the positive potential that neighborhood loyalty may have; that is, peer mentoring from a person within the neighborhood or other neighborhood based alternatives may be particularly effective.

**Adolescent Brain Development and Its Effects on Behavior**

Certainly, adolescent behavior and brain development may contribute to the appeal of the “streets” or poor decision making that leads to criminal activity, a trend noted by eight of the nine participants. First, two participants noted how adolescent behavior, particularly risk-taking behaviors and susceptibility to peer pressure, also contribute to the appeal of “the streets” and loyalty to a gang or neighborhood. They explained, “their brains aren’t completely developed” and the “science is clear” that “if you’re 16, you’re 17, you’re not functioning as an adult, and you’re not making rational adult decisions.” Participants also recognized adolescent’s need for social interaction. A teacher noted that her students seem to consider jail time a “right to passage” because it becomes the “cool thing” to do among vulnerable youth. Similarly, a public defender
worried that “every day that a kid is locked up, they get less scared, they get less concerned about being locked up,” implying that youth are less likely to focus on long term consequences and more likely to participate in risk-taking behaviors.

Other aspects of adolescent behavior and brain development may affect the success of the treatment program assigned to a youth once he/she is referred to the court system. For instance, as one service provider explained, by requiring community service as part of a treatment program, the youth under court supervision and youth in that community will view community service as a “punishment” and will not understand the value of volunteering and building community. Another service provider explained how youth may view their case as personal rather than seeing the “bigger picture” of crime prevention and rehabilitation; this makes sense given adolescent’s propensity for self-centeredness and implies that treatment programs must help youth see the “bigger picture.” Another participant indirectly highlighted youth’s tendency to focus on short term benefits rather than long term consequences; he stressed the important of parent’s support for youth under probation, explaining that going to court dates, getting drug tested, meeting with probation officers and other court requirements are “asking a lot for a teenager who doesn’t want to be doing it to do it.” Similarly, a defense attorney emphasized throughout the interview that he tries to create a personal connection with his clients because threatening a youth that, for instance, “you gotta do the therapy or you’ll get locked up” “doesn’t seem to be a very effective way to get someone to buy into mental health therapy.” Given these important developmental differences between youth
and adults, educating juvenile justice system stakeholders and the public about adolescent development will be discussed as an improvement in a later section.¹

Stereotypes

A youth’s perception of the court system’s ability to help him/her, his/her desire and ability to complete a treatment program and much of his/her academic success may be negatively affected by stereotypes about disconnected and justice-involved youth. All participants were asked to describe common stereotypes of these youth and how those stereotypes may be true or false; common stereotypes will be identified here, while debunking those stereotypes will be explained in a later section with regard to possible methods of changing attitudes within the Juvenile justice system. In describing general stereotypes or those held by the public, three participants mentioned African American race, two mentioned family structure, two mentioned male while none mentioned female, one mentioned “class” and two mentioned that they are “poor.” Additionally, six participants described a sense that these youth are “bad kids,” “irredeemable,” “antisocial, killers, hardwired that way,” that “this is the group of people that I don’t want to be around,” or that when people want to reference something bad, “they’ll use ‘juvenile delinquents’ as the stereotypic phrase.” Two participants also included “violent” in their description of stereotypes, one saying that the youth as perceived as violent while another noting that the public thinks of “violent crimes” with regards to juvenile justice although in reality a lot of juvenile justice involves nonviolent crime. Similarly, a defense attorney felt frustrated that high profile crimes were used to define the success of juvenile

¹See Smetana et al. (2006), and Chapter 2: The science of adolescent development and teenagers’ involvement in crime in Scott, E.S. & Steinberg, L. (2008).
justice, leading to a negative public perception. Two defense attorneys also worried that these stereotypes may be shared by juvenile court personnel. One said he thinks public defenders may view youth under court supervision as “monolithic” while prosecutors probably hold similar opinions as the public that these youth are inherently bad or irredeemable. Similarly, another defense attorney explained that he had experienced judges assuming children in the courtroom were those of the defendant, even when those children were they for another hearing; he was careful to explain that he did not think all judges believed stereotypes, but that he was frustrated to have seen some act upon stereotypes. Similarly, while many participants discussed targeting of stereotyped youth by police, a topic discussed in a later section, one participant felt that police may share similar background with vulnerable youth and thus, may have a “better understanding” of the youth than other stakeholders in the juvenile justice system. Although stereotypes may hold some truth, negative stereotypes about vulnerable youth can contribute to delinquent behavior by lowering their self-esteem or making them feel that court-involvement is inevitable. These negative stereotypes can also inhibit the court’s ability to treat youth fairly, give youth adequate support and develop and implement positive, stereotype free treatment programs.

Preventing Court Involvement through Early Intervention

Interventions in the Home and Community

Participants across groups proposed intervention techniques that could be established by community organizations, government agencies and schools to prevent or limit youth’s involvement with the juvenile justice system or maximize the positive
benefits of that involvement. First, participants suggested early interventions in homes and communities to support families, increase academic success and strengthen community bonds. One defense attorney described the benefits of a Montessori pilot program that was established in the Deanwood neighborhood; he said that “the neighborhood loves it” because it allows parents more time to work or deal with personal struggles, while the kids enjoy the extra attention and benefit from early exposure to reading. Similarly, a service provider described her organization’s literacy program, which emphasizes early preventative measures that parents can take to be involved in their children’s lives and increase academic success; she sees early academic success as a key component of preventing vulnerable youth from engaging in delinquent behavior. Another service provider described the academic-orientation of her neighborhood based organization, which connects youth to GED programs, offers tutoring and field trip programs and provides educational advocacy; she hoped that by intervening early, her program decreases the likelihood that a youth will become involved with the court system. Although only mentioned by one participant, faith-based community organizations may also provide an important avenue for preventing involvement with the juvenile justice system. He felt that many parents would be more receptive to programs offered by churches or mosques, given what he described as parents’ negative view of the court system and the limitation of judges, lawyers and probation officers who are often outsiders to the community. Thus community-based programs may be a beneficial alternative or supplement to court system programs: they are often more integrated with the community they serve, they can reach families before problems arise and they are less limited by bureaucratic regulations.
In addition to investing in community-based prevention and intervention programs, it seems that the juvenile justice system may benefit from partnering with other government agencies and systems to develop preventative measures. One service provider noted the link between the abuse and neglect system and the juvenile justice system, estimating that more than half of the youth she serves in detention centers have had some contact with the neglect system. She felt that “if their case[s] had been more carefully and consistently wrapped around for the long term when that happened, some of this could have been avoided,” and suggested housing, family counseling, employment and drug rehabilitation programs through the abuse and neglect system. Certainly, benefits may also come from partnerships between the court system and DCPS aimed at developing alternatives to suspension and expulsion, exploring the link between academic struggles and court involvement, and providing quality academics for youth while suspended; participants’ comments on such interventions are analyzed below.

Likewise, the development of community-based mental health services could significantly decrease the use of the court system for accessing mental health services or prevent court involvement all together. The Department of Mental Health may also be able to aid the juvenile justice system in developing strategies for serving youth under court supervision with severe cognitive impairments, a group that participants described as underserved by the court system.

*Mentoring as a Low-cost, High-benefit Intervention*

Across groups, participants stressed mentoring as a great need and an intervention that would benefit disadvantaged communities, both by preventing court-involvement
and by aiding youth on probation, in detention or re-entering into the community. In fact, mentoring may be especially important for justice-involved youth following the juvenile court’s assumption that delinquent behavior is a manifestation of unmet needs. Moreover, as participants explained, there are numerous individuals and groups that can act as mentors, meaning investing in mentoring programs may be especially feasible.

Defense attorneys and service providers gave detailed explanations of the aspects of a high quality mentoring program, which they implied is not currently available through the juvenile justice system. For instance, a defense attorney said for youth on probation, probation officers can make a referral for a mentor, but the mentoring available is insufficient:

A mentor is like some guy who shows up for 15 hrs. So maybe they see the kid four times. Take them to the movies... And then it's done. That's not what a mentor is supposed to be. A mentor is supposed to be, if not a substitute, at least something that helps sort of take the place of a missing father or a missing mother or something like that. And the way it's set up is just not working.

As he implied, mentoring should be time-intensive and use methods based on scientific research. In fact, research has shown that if not high-quality and comprehensive, mentoring programs can actually be detrimental to youth, as a mentor may become yet another person who has “abandoned” the youth or leaving unfulfilled promises of improvement in the youth’s life.²

² See work by Renée Spencer, Associate Professor, Boston University and Chair, Human Behavior in the Social Environment, and colleagues.
Similarly, a service provider explained that her program prepares detained youth for re-entry into the community by beginning mentoring four to six months before they are released, whereas many other community programs start upon release or only two weeks before. She said the ideal program would not only start early, but it would also help youth navigate the court system, complete treatment programs and gain access to resources.

Mentors can also act as a point of contact to overcome the communication challenges – unreliable phones numbers, family transitions, and cultural barriers – that often inhibit rehabilitation. Similarly, mentors or mentoring organizations may act as advocates for youth; participants reported that service organizations help match youth with academic and employment opportunities, coordinate efforts with family members and caseworkers to ensure maximum access to benefits, or communicate unmet needs to caseworkers or other service providers. One defense attorney described his idea of a program that would train recent college graduates as mentors, match those mentors with three or four justice-involved youth, and place mentors in housing in the neighborhood of the justice-involved youth. These mentors would acts as a “local neighborhood presence” to assist youth and would potentially save the court system significant amounts of money by providing a cheap, local alternative to Residential Treatment Centers or decreasing re-arrests and violations of probation that lead to secure detention. Mentors also provide emotional and social support, “giving [the youth] individual attention and support, identifying where the challenges are, and then one by one, helping them to overcome those challenges.” One service provider explains how her organization’s philosophy contributes to the success of their mentoring program; they use a combination of client-centeredness and positive youth development to empower youth to make independent decisions, help youth see
their strengths instead of past struggles and to motivate youth to build on those strengths for long term success.

Although community-based mentoring programs were most frequently discussed, two participants also mentioned some unique groups that may serve as mentors. One service provider described a youth whom she considered successful upon re-entry, and attributed some of his success to the mentoring he received by DYRS staff who “gave him different advice or connections or took him on trips.” Further research into DYRS relationships with youth may provide insight into the possibility of strengthening the mentoring abilities of DYRS staff to ensure successful re-entry into the community. Former offenders, either adult or youth, also emerged as another group of potential mentors. A teacher described the success of a program in her school that was led by former offenders:

I think the kids really related to them and to have somebody older to tell them that ‘the path that you’re going down isn’t necessarily the best one. I was there, this is what happened to me, this is where you can be if you don’t go down that path.’ I think that was very helpful.

Likewise, a service provider described an initiative at her organization that empowers youth by having former youthful offenders talk to youth who are currently justice-involved. She said that “the idea is to give voice to” both formerly and currently justice-involved youth, and that the program would fulfill a social need by helping the youth to understand “that they fit into this larger system that involves public policy and lots of different people looking at the system.” It seems likely that providing ample and well-developed mentoring to disconnected and justice-involved youth could decrease the
number of youth involved in the juvenile justice system or the length of involvement.

*Employment as an Intervention and Rehabilitation Tool*

Teachers, counselors, service providers and defense attorneys all discussed employment as a potential catalyst for improvement in the lives of vulnerable youth and youth under court supervision. First, participants stressed the importance of employment opportunities for youth as alternatives to delinquent behavior. One defense attorney called jobs a “cure-all” for delinquent behavior, while another felt that “if [these youth] were in productive, fulfilling, rewarding, self-rewarding activities, we would see a lot less crime.” Participants stressed the psychological and emotional benefits of employment – youth feeling valued, improving self-esteem, developing a sense of belonging – as well as the economic benefits both immediate and long term. A service provider explained that improving employment opportunities for parents “could probably do a lot to alleviate the poverty,” while others said that providing skill-based training and employment can set youth up for lifelong success, affecting the community and future generations.

Participants also stressed that job training programs must include instruction in basic social skills. A service provider described the 21st Century Learning Skills curriculum used by her organization, which teaches technology skills, resume building, professional speech and dress, interviewing skills and other basic social skills. Likewise, a defense attorney emphasized that instruction in basic social skills is especially important for justice-involved youth who may be ordered to obtain employment as part of their treatment program, but have “no concept of what that involves”: 
They go down to the construction site and they're dressed inappropriately, they don’t have their lunch. So they get there late, they start working, twelve o'clock rolls around, all the Latino guys go sit down, they open up their lunch, they eat quietly. My guy looks around, he's like, "What the [heck]?" Wanders off looking for lunch, doesn't come back until later, doesn't have the money, gets arrested trying to steal a hot dog. It’s just a mess.

Similarly, two participants mentioned independent living programs as a method for teaching youth social and independent living skills, such as budgeting, cooking and bill paying. Presumably, these skills would help aid youth in obtaining and maintaining employment, and could be used for youth on probation, upon re-entry or as preventative measures.

Participants explained that employment and training in social skills can not only prevent court involvement, it can improve chances of rehabilitation for youth under court supervision. Half of success stories stressed how crucial employment was to the rehabilitation of those youth, but it seems that youth may not get those jobs without extra help that is not currently provided by the court system. Service providers, who were not directly supported by the court system, gave their youth computer access to research jobs, gave letters of recommendation, or connected youth to professional acquaintances who were willing to hire justice-involved youth solely because of their connection to the service provider. A defense attorney explained, however, that not only do youth need to be taught these skills, they must be provided with an opportunity to apply those skills. That is, community-based or government run job training programs should be connected to businesses that are currently hiring and have expressed willingness to hire
disconnected or justice-involved youth. Importantly, this defense attorney noting that recent decreasing in confidentiality could make it even more difficult for youth to get jobs. Thus, it seems that although the court system embraces employment as a rehabilitation tool, employment should be encouraged as an intervention before court-involvement and court- or community-based employment programs must provide youth with viable job opportunities in addition to technical and professional skills.

The Link between Schools and the Juvenile justice system

Academic Struggles Lead to Behavior Problems

Across groups, participants emphasized that youth who have discipline problems in school and/or become involved in the court system are often those with the biggest academic struggles. They described the “achievement gap,” “structural problems with the education system,” students’ “needs” not being met by the school, students that “slip through” the cracks, special education students and students with learning disabilities that are under-served. One participant emphasized that such problems are worse in DC: “I think DC is so famous for being bad at teaching, just having poor education structure. If you don’t have money, then you’re not going to get a good education in DC.” Indeed, despite recent improvements, DC is generally described as having a poor education system, and DC students score in the lowest sectors on both math and reading on the National Assessment of Education (NEAP) tests, with fourth graders 20 points and eighth graders 28 points below the national average, despite an overall average score increase of 5-6 points since 2007.³ Participants also mentioned a variety of other issues that may cause students to fall behind or act out, including truancy, high turnover of staff members

in schools, school facilities that are rundown and/or unwelcoming, a lack of family support for and involvement in education, and transportation barriers.

As participants explained and the literature shows, these academic struggles and/or special needs often manifest in discipline problems. Although teachers and counselors noted attendance, tardiness, “disrespect for some staff members,” and “failure to comply with an authority figure” as causes of discipline problems, they also explained that problems occur when students are struggling academically or in the school social environment. Participants explained that students whose “needs aren’t being met” may express their frustration by acting out and that “behavior takes place because there’s so many levels that take place in the classroom in order to meet the needs of the different types of learners.” Similarly, a counselor explained the thought processes of those older students who are behind academically and are more likely to use problem behaviors as a coping mechanism: “‘I can’t read and I’m called on to read every day, I’m gonna act out to get put out of class because I don’t want my friends to know I can’t read.’” Service providers and defense attorneys confirmed this link between poor academics and court involvement and described seeing youth who fall into patterns of discipline problems and court-involvement. Often, the discipline issues and lack of engagement in school lead the youth to drop out, which may make a first offense or re-arrest more likely. One teacher said his school experiences most dropouts in 9th and 10th grade, and explained that, “it’s rare that someone makes the decision to drop out in an instant…something has been happening maybe as early as second grade that has led to them finally coming to high school and saying, ‘forget about it.’” While students both nationally and in DC, in affluent and low-income neighborhoods, will continue to experience some school
discipline problems, it seems that many of the youth involved in D.C.’s Juvenile justice system are there because the education system did not meet their needs. One participant put it most poignantly: “Why are we using the DC juvenile justice system when really all this child needed was a better educational curriculum?” Thus, policymakers, community members and parents should continue to encourage academic achievement and support policy that funds less punitive discipline practices, teacher training and teaching methods whose effectiveness are supported by scientific research.

A Lack of Parent Involvement Contributes to Academic Struggles

For many of these students, academic struggles emerge or are not resolved due to a lack of family support for education. As participants described, it is important to recognize that a lack of involvement can be caused by disinterest or drug abuse, as well as working multiple jobs to provide food and shelter. As a service provider explained, the parent support for education can be crucial to preventing a youth’s delinquent behavior:

The less engaged the parent is, the more the kids struggle with school. And in general the more the kids struggle with school, the more likely they are to become disengaged, and the more likely they are to get in trouble.

Similarly, a defense attorney said that some of his clients are initially successful in school, but struggle because “they’re missing the family support that a lot of us who grew up and got through school had,” and that schools are often “ill-equipped to deal with some of the social factors and some of the things that are missing in the life of a kid that would help them to learn.” Another explained that when families are not involved, youth who are suspended do not have anyone advocating for them to get back in school, and thus, are more likely to fall significantly behind. For a counselor at a school that works
with difficult and justice-involved youth, many of the parents have “washed their hands of their child,” so they may be “more adversarial” when first dealing with the school. In fact, he says parents seem surprised that the school cares about their child, a testament to the hopelessness than can develop after generations of poverty: “sometimes they kind of look at us like, ‘why are you more concerned about my child than I am?’ ” Finally, service providers, teachers and counselors stressed the need for interventions that engage family members and teach parents skills to engage their children in education. The interventions they proposed were discussed previously.

**Discipline Policies and Procedures**

There are a number of discipline policies that have received public and academic criticism, specifically zero-tolerance policies and the presence of police officers in schools. Critics claim that these policies unjustly create a “school-to-prison” pipeline, encourage use of punitive rather than rehabilitative efforts and are no more, if not less, effective than alternatives. Also, these policies don’t account for individual circumstances and incur significant financial and time costs for schools and courts. In D.C. the use of zero-tolerance policies is guided by DCPS policy, Chapter 25 of the Student Discipline Code of Conduct, which enumerates five “tiers” of behaviors and the possible discipline actions for each tier. Behaviors resulting in off-site long term suspension or expulsion are those in tiers four and five, such as acts of vandalism, sexual misconduct, possession of a weapon, arson, bomb threat, assault, etc. (District of Columbia Public Schools, 2011).

Participants’ comments from all groups interviewed showed the controversy surrounding these efforts to balance student body safety with individual academic needs. For instance, a teacher explained that although the use of school officers and metal
detectors can improve school safety, it often makes students feel unwelcome:

It continues to send a message when we have to go through metal detectors…The fact that you’re going through a metal detector and I, as a teacher, can go through…just the fact that there is a policy set in a place where the majority of the students don’t do anything.

Another teacher noted that zero-tolerance policies sometimes criminalize undeserving students:

I can think of one time when a student was suspended because he brought a knife in his backpack, and essentially the student has a rough walk home after school. And it really had nothing to do with…unless this was all a story…it had nothing to do with the student planning to use this knife at school. In fact the student had probably forgotten that this was in his backpack. But you go through the metal detector and boom there it is.

A counselor’s comments confirmed researcher’s assertions that zero-tolerance policies may be ineffective, especially for the most troubled students: “the reality is so many of our students come to us several grade levels behind being suspended a) doesn’t help them and b) is probably what they want.” On the other hand, a teacher explained that zero-tolerance is sometimes effective; he said he “can understand why defacing the buildings” results in a zero-tolerance situation, given that his school had just moved into a new building. While these three educators did not propose the elimination of zero-tolerance

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4 See American Psychological Association Zero Tolerance Task Force (2008), and The Advancement Project (2010).
policies, their stories and comments illustrate the potential drawbacks and benefits of zero-tolerance.

More than other groups, defense attorneys were critical of zero-tolerance policies. One described the schools as “more like Law & Order than educating,” while another said this his “interaction with schools in relation to the court is almost purely negative.” They criticized DCPS referring to the courts, saying that “what they label assaults that should be a suspension” and that DCPS is a large source of referral to the courts because they “call the police instead of doing behavior mod[ification].” While service providers did not criticize zero-tolerance policies, two of three explained how those policies make academics even harder for youth under court supervision, many of whom struggled with academics before court involvement. They explained that “sometimes the kids that are struggling the most just can't survive” in zero-tolerance schools and that youthful offenders often get kicked out because the schools “aren't really tailored to kids in the juvenile system.” They also said that the best schools often have the harshest discipline, a fact that is understandable, but that prevents those youth that struggle most from getting education.

Although both teachers interviewed asserted that zero-tolerance was not used often in their schools and mentioned alternative methods of resolving minor offenses, neither proposed the complete elimination of zero-tolerance policies. Even defense attorneys, who were significantly more critical of the “school-to-prison pipeline,” did not propose the elimination of zero-tolerance. Thus, it seems that schools and the court system do not need to change their entire discipline program, but instead, should consider academic research and stakeholder’s perspectives in creating a program that keeps more
youth in school. What’s more, while two teachers’ experiences are certainly not representative of an entire school, it would be worthwhile to examine why their schools used zero-tolerance less often. Similarly, courts and schools should examine the effectiveness or ineffectiveness of zero-tolerance policies for certain types of behaviors.

Confidentiality of Disciplinary Records

Another controversy surrounding school discipline is the sharing of information about student records and discipline policies with school staff (confidentiality of juvenile court records will be discussed in the a later section). One teacher said that her school has a “simple process” about writing discipline referrals and meeting with the student, but that following the policy is at a teacher’s discretion. She also said that classroom management techniques vary across teachers and there is no policy “set in stone.” The other teacher gave a more detailed description of his school’s discipline policy – meet with student, call home, refer to an administrator depending on the severity of the offense – but explained that he does not know the disciplinary policy that administrators use. He doesn’t know what actions are taken after he submits a discipline slip to an administrator, and could not comment on the rates of occurrence of more serious offenses or the use of zero-tolerance. The first teacher echoed that the “disciplinary policy seems like it’s this hidden thing in the sky that only the principals and the deans know and teachers just get another note that so and so was suspended.” Finally, both teachers interviewed said that it is not always made clear when a student is under court supervision. While it may seem that teachers could provide additional support for justice-involved youth, one teacher explained that knowing a student’s status in the court system may create bias in the classroom that could compromise academic instruction. He said,
If I knew half the stuff that is going on in their lives I wouldn’t be able to teach them. I would just say to them, ‘I’m just glad you made it to school today. Don’t worry about the homework.’

It is also plausible that teachers may take more strict discipline action against students under court supervision if they knew that student’s status. Thus, as in many areas of juvenile justice, a conflict arises concerning which practices are truly in the best interests of the child.

**Academics While Suspended**

A related issue of concern for advocates, educators, court personnel and youth is the quality of education youth receive while on suspension or under court supervision. The two teachers interviewed explained that for their schools, students who are suspended are sent to alternative schools for the duration of their suspension. Two schools mentioned are C.H.O.I.C.E. Academy Middle and Senior High School\(^5\), a DCPS school which serves students who are in a long-term suspension or expulsion status due to an infraction of the Student Discipline Code of Conduct – Chapter 25, and Options,\(^6\) a public charter school which provides academic and behavioral support for students who are in danger of dropping out because they have behavior problems, require special education services, or are underachieving or truant. Although teachers did not make strongly critical statements about those schools, both questioned the quality of education students receive at alternative schools, saying they “don’t know” what the work is like or

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5 District of Columbia Public Schools (2011)

did not have experience with their students returning from alternative schools being “academically more sound than they were before they started.” Though two teachers are not indicative of the larger school system, their statements indicate a need for sharing information about alternative school policies and teaching methods and a need for partnership between schools.

Some of the concerns surrounding the quality of these alternative schools stemmed from the nature of academics while suspended: a new environment, the teacher doesn’t know the youth’s learning style, grading systems may not match up, etc. One teacher explained that it seems “daunting” to him to teach students from different schools who are studying different material, using a lesson plan or rubric written by another teacher. Likewise, re-entry into the home schools can be problematic due to confusion about what work was completed and what grade is deserved. Certainly, participants’ comments attest to the difficulty of providing quality instruction during and after a suspension, an indicator that finding alternatives to suspension may be better for students and teachers alike.

*Academics in Correctional Facilities*

Participants did not comment on the quality of academic instruction at Residential Treatment Centers, group homes or secure detention facilities other than New Beginnings, but comments about academics at New Beginnings were positive. The Maya Angelou Academy at New Beginnings, which the See Forever Foundation began managing in 2007, was praised by 3 participants and criticized by none. This school may be successful because, as a service provider suggested, the teachers employ positive

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7 See Forever Foundation & Maya Angelou Schools (2011).
youth development techniques, provide individualized and differentiated attention, and the teachers “understand the backgrounds of these youth.” Other participants did not elaborate on the ways in which Maya Angelou Academy is an improvement, thus, studies demonstrating its effectiveness are needed. The results of such studies may help the Academy further improve its programming and provide guidance for other schools serving disconnected or justice-involved youth.

**Improvements to Schools and their Relationship with the Court System**

*Increase Academic Engagement*

Given the link between poor academic success and court-involvement, and what participants described as an inadequate education system for vulnerable youth, it seems that improving academics for all youth may greatly benefit D.C.’s juvenile justice system. First, schools must be improved so that students are engaged in academics and are less likely to fall behind or have discipline issues. One teacher said that one of his school’s strengths was its ability to keep students engaged: “it’s in the middle of class right now, but you wouldn’t see a lot of kids roaming the hallways. So that means that most of the instruction is engaging enough that kids want to stay in the classroom.” Others stressed the lack of after-school programs that allow students to apply their studies to a practical setting – an activity that often helps students become more engaged in learning. A teacher explained that these programs must be catered to students’ interests and promote personal growth because many do not see the value of education:

They don’t see that they are getting their education 1) because I want to be in the know and I don’t want somebody to just tell me information, I want to be able to
get it on my own. 2) They think it happens too slow. They see this faster route that seems fun at the time, but not being conscious that having an education is important, they take other routes.

Similarly, a service provider emphasized the importance of using metrics in education to identify students who are struggling and prevent them from falling behind. A teacher affirmed this when he explained that his school sees the most dropouts in 9th and 10th grades, but that the problems causing the student to drop out may have started as early as second grade. Specific suggestions of how to engage students in schools were not made by participants, but their comments on the importance of early intervention, which could presumably enhance academic engagement and achievement, are discussed in the *Preventing Court Involvement through Early Intervention* section above.

Participants were clear, however, that parent involvement is crucial to enhancing academics and thereby inhibiting court involvement. A service provider suggested that schools and community organizations “really engage families on that level of trying to change the way that they perceive school and their engagement in school.” Another participant praised the DCPS back-to-school fair, while this service provider suggested creating parent resource centers that invite parents of all educational levels. She stressed the importance of engaging disadvantaged and potentially low education parents at resource centers and other school functions or facilities:

I think that’s the huge challenge since DC was in such chronic education disrepair for so long, there are generations of undereducated parents that don’t feel comfortable with schools. Figuring out a way to change that is really important if you want to get kids more engaged themselves.
Participants also suggested a number of ways in which the community and the school could partner to provide services, create recreational and academic opportunities and increase engagement. For instance, one service provider described her organization’s efforts to help parents navigate the 30+ schools attended by youth in the neighborhood; they have a staff member who focuses on education advocacy, attending parent teacher conferences and open houses, meeting with principals and teachers, and providing information for parents. Similarly, a counselor felt that his school “gets the students too late sometimes,” but that because students are in school eight or more hours a day, schools have a great potential for positive involvement in the community: “I think that if we spend more time in the community doing events and services there and working in homes we would yield a better result.” He noted the benefits of the school-community partnerships that allow him to refer students to community agencies for special counseling services. He also suggested a partnership between multiple schools to enhance engagement and examine the link between schools and the Juvenile justice system; he proposed a “think tank of school administrators from certain wards where you see most of these kids from. So if judges are seeing most of the kids from Wards 7 and 8, why aren’t we working with these schools east of the river?”

Finally, schools may be able to increase engagement by employing positive youth development principals which use a strengths-based approach and empower youth to make their own decisions; service providers perceived these principals as successful for mentors, and their use may help adolescents develop self-esteem and an ability articulate their needs rather than acting out. Similarly, debunking stereotypes, discussed in a later
section, can increase student engagement and achievement by raising students’ expectations of themselves and their peers. A full discussion of the importance of having students enjoy learning and believe they can succeed will not be included in this paper, but it is undeniable that academic engagement and achievement are crucial to long term success and prevention of discipline problems.

**Train Schools and Teachers to Work with Disconnected or Justice-involved Youth**

Even with these improvements, there may still be students who struggle in school, thus, teachers and schools need to be trained to handle these students to prevent involvement with the juvenile justice system or increase the success of rehabilitation programs. Importantly, participants emphasized that although justice-involved youth demonstrate a higher overall incidence of learning disabilities and special needs, high-quality educational techniques should be available for all students. As a teacher put it, “youth under court supervision are no different as learners or as human beings than kids on the honor roll.” Though this study did not examine special education methods and does not endorse a specific method, participants’ comments highlight the need for individualized and comprehensive education programs for all students.

First, a teacher stressed the importance of providing materials that meet the students’ academic needs as well as his/her social and emotional needs. As he explained, “you might have an 18-year-old who reads at a third grade level, but if you come at them with *The Little Engine That Could*, they’re gonna be pissed off. And so the trick is, can you find material that is high interest, low level reading.” Social and emotional needs should be considered when choosing techniques for all students, regardless of special
needs. A counselor noted that a “co-teaching or inclusion model for special ed.” may meet a youth’s various needs:

The special education teacher works with all the students. So if we have a class of twelve students and five of them are special ed, the five students don’t sit together and she works with just those students, she circulates around and helps all of the students. So in many cases the students don’t even know that there’s a special ed teacher.

Similarly, both a counselor working at a school catered to justice-involved youth and a service provider focused on re-entry mentioned the importance of differentiation and individualized attention for youth under court supervision. One said, “teachers have to be trained and have a certain skill set where you are teaching to lowest of the lows and the students who are on grade level and [the students who are] trying to get above grade level.” They explained that providing differentiation and individual attention is difficult in a larger setting, implying that youth under court supervision may benefit from programs that are small and tailor specifically to their needs.

It also seems that schools and teachers serving youth under court supervision or youth at risk of court involvement must focus on the youth’s strengths and demonstrate a willingness to look beyond a youth’s record. A service provider praised the Maya Angelou Academy for their positive perspective: “the teachers are well-trained, they understand what's going on, they understand positive youth development, they understand the backgrounds of these youth.” Similarly, at a school that serves many justice-involved youth, a welcoming atmosphere is crucial:
Students that come from New Beginnings don’t come shackled, they don’t come in orange, they come in regular clothes. So right there we’re telling that we trust you’re going to make this shift, we trust that because you’re ready to leave there, you’re a different person than the person you were when you walked into New Beginnings.

This school encourages youth from correctional facilities to tour their facility, meet the principle and talk with teachers to “figure out if it’s a good fit,” demonstrating that the school values the voice and input of the youth. If the youth decides to attend, school personnel meet with probation officers, contact agencies providing services and visit the youth’s home. A participant describes the school’s efforts:

> There’s daily check-ins with their counselor, they check in with their classes, they check in with their teachers and if they’re having some difficulty adjusting the counselor may give them a half day schedule or more breaks in the middle of day to kind of chunk the instruction. The overall goal is to help the student transition back in his community as well as in the academic setting. So if you’re only taking one class at New Beginnings, we’re not going to give you nine classes when you get here. And if you’re an older student who didn’t go to school before New Beginnings and that means you really haven’t been in school for two years or like a year and a half, to have you come and sit here and have a full day from 9-5. So we really try to work to tailor the approach to work on these individual students.

The school also provides regular counseling and calls clinicians into classrooms if difficult topics, such as gang violence or drug use, are discussed in class. What’s more,
this school capitalizes on neighborhood loyalties by partnering a new student with a peer from his/her neighborhood that has been successful. It seems that this school is able to meet students’ social and emotional needs by using individualized approaches, creating personal relationships, and acknowledging, but not focusing on, a student’s court involvement. It should be noted, however, that this study did not examine the effectiveness of these methods and there was only one participant from such a school; thus, more research is needed before concluding that such methods should be endorsed by DCPS or serve as a model.

*Prevent Discipline Problems and Promote Alternatives to Suspension and Expulsion*

Finally, participants’ comments suggested possible changes to discipline policies that may prevent severe behavioral programs or provide alternatives to suspension or court referral. First, participants suggested building community in schools and creating personal relationships with students and families. Schools may incorporate community and team building activities into classroom routines, use peer mediations instead of sending students to administrators, or explicitly teach conflict resolutions techniques. One counselor described the importance of these measures to his school: “I think if we start with relationships first, behaviors will take care of themselves and academics will take care of themselves.” Similarly, a teacher said that her students “really just want to know that you care” and felt her willingness to show concern and respect for students has helped limit discipline issues in her classroom. She extended this same concern for justice-involved youth: she had a young woman in her class who was under court supervision, and after a fight in school, brought the student to a mentoring program. She still keeps in touch with the student today, and it seems that her concern made a positive
impact in the students’ successful rehabilitation. At another school, a participant emphasizes getting to know students’ personally; his school wants to know, “what kind of student are you? What kind of person are you? What’s your family like? What kind of obligations do you have in the community?” For a counselor at a school catered to disconnected and justice-involved youth, visiting students while incarcerated, keeping in touch with them after graduation and helping them to find employment is “consistent with the mission.” Participants also explained that school social workers and counselors can help meet students’ social and emotional needs, and contribute to building community in schools. One teacher said he “wonder[s] sometimes how any school functions without a school social worker,” while a counselor explains that having counselors on staff is particularly helpful for youth under court supervision. Finally, schools build community by visiting students’ homes. One teacher explained the importance of home visits:

I think it shows the family that I’m taking an extra step. And because I am in their home I’m not the authority figure that I am in the school anymore…you can see a little bit about what’s going on in the home that you don’t see when they come to school.

He also explained that these visits can be helpful to truancy officers. Although truancy officers are not required to visit homes unless a student is absent a certain number of days, the participant felt it would be beneficial is building a school community and allowing truancy officers to understand a student’s home life.

In addition to community building, a teacher suggested methods that can be used to prevent discipline problems. His school had rituals and routines – “standing in the
hallway between classes, having a warm up on the board for students to do as they walk in the room, not allowing kids to go to the bathroom in the first fifteen minutes of class or the last fifteen minutes of class” – to prevent the distractions that often lead to misbehavior. Discipline contacts may also help prevent misbehavior; these contacts usually require a discussion with students, parents and school officials and list the actions a student will take to avoid behavioral problems. Finally, participants emphasized that having consequences match the severity of offense can reduce misbehavior and make students feel more respected.\(^8\) At one school, they focus on “lining up our sanction with whatever the problem is. So if someone leaves gum on the table you’re not suspended for 15 days. You might be asked to clean the table or do community service around the building.” If punishments seem overly harsh or arbitrary, students may less likely to understand the link between their actions and the consequence, or more likely to feel targeted. Though not mentioned by any participant, it’s likely that having clear expectations for behavior and reinforcing those expectations explicitly and frequently would also benefit students. That is, if, as teachers said, the discipline policy is something only administrators know well, it may be that students do not understand the severity of some of their actions. What’s more, as scientific research indicates that adolescents are more likely to focus on short term benefits and ignore long term consequences, a discipline policy that is not reinforced frequently is unlikely to have positive effects.

Participants also suggested the use of alternatives to suspension and expulsion or referral to the court system. A teacher described the peer mediation techniques used at his

school for minor offenses; he said it “can be a very effective tool,” but that “its effectiveness depends a lot on just the commitment of the school,” emphasizing the need for comprehensive and widely-supported alternative discipline programs. A service provider stressed the need for explicit teaching of conflict resolution and peer mediation, “having some good training and just alternatives to violence, but it's possible that the kids haven't ever learned anything other than that.” Similarly, a counselor described how his school uses town hall meetings as an alternative to suspension:

We had two students who fought and instead of expelling them or suspending them we had them write letters and read them to their class. One was in the tenth grade and one was in the eleventh grade, and these were really popular kids, really influential students. First we had the mediation and they realized it was something silly that they were fighting about. They wrote apology letters and they read them in front of their respective classes and used it as a learning tool. To kind of say that ‘We’re some of the coolest people here, we make silly mistakes as well but we’re able to move past it.’ We actually posted the letters around the school for those students in the other grade levels who weren’t part of the town hall.

Finally, it seems that improving educational quality and engagement and preventing the discipline problems that often lead to court involvement may require contributions from the court system. Certainly, an examination of the causes of the success of Maya Angelou Academy would benefit other school serving youth under court supervision by enabling them to employ best practices. Those practices could also be used to improve the Transition Center for youth upon re-entry. Similarly, if the court were to support the

9 See Forever Foundation & Maya Angelou Schools (2011).
expansion of the Transition Center, it might be possible, as one participant suggested, to create an entire school catered to formerly incarcerated youth. The court could also improve the educational opportunities of justice-involved youth by standardizing the course hours and requirements across detention centers. As a counselor explained, the courses at his school are synchronized with those at the Maya Angelou Academy so teachers do not have to provide work and students do not miss as much schooling; when students are sent to Youth Services Center (YSC) in Northeast, the teachers have to send work and find classes that may or may not match theirs. This counselor also felt that increasing the relationship between schools and DYRS – not by increasing school to court referrals – could benefit students and reveal opportunities for improvement.

Likewise, a teacher expressed his concern over the lack of knowledge about the juvenile justice system amongst teachers, and suggested a full or half-day professional development workshop on school discipline, the relationship between DCPS and DYRS, and the court system in general. There is also the possibility of increasing the relationship between defense attorneys and schools, specifically by encouraging defense attorneys to attend school disciplinary hearings. It is important to note, however, that participants did not agree on the benefits of having teachers know which students are under court supervision: one teacher suggested it might compromise his ability to give unbiased instruction; another teacher implied that the lack of information about discipline in her school made teaching more difficult; but a counselor stressed the importance of recognizing, without judging, a student’s court involvement.
Does the DC Juvenile Justice System Rehabilitate or Punish Youth?

In defining the purpose of the juvenile justice system, all nine participants included rehabilitation. This is consistent with the historical mission of juvenile courts as well as the missions of two key organizations in DC’s juvenile justice system, DCYS and the Family Court - Court Social Services Division (CSS). The DYRS mission statement implies rehabilitation: “The mission of DYRS is to improve public safety and give court-involved youths the opportunity to become more productive citizens by building on the strengths of youths and their families in the least restrictive, most homelike environment consistent with public safety” (Department of Youth Rehabilitation Services, 2011a).

Likewise, CSS says its mission is to “assist the District of Columbia Courts Judiciary in the administration of justice and serve the community by providing probation services and social services for juveniles and their families” (Superior Court of the District of Columbia).

Like these lead organizations, participants also used a variety of terms to indicate that juvenile justice should protect public safety as well as rehabilitate the individual, saying the purpose was to “keep the community safe,” “prevent further crime,” and to avoid “recidivism.” For those participants asked to define rehabilitation (teachers and counselors were not asked), responses emphasized that a proper rehabilitative treatment should provide positive alternatives in the community, identify the potential causes of delinquency, provide a wide variety of services to combat those potential causes, and set youth up for “longer-term learning” and success. Participants across groups also mentioned how in striving to rehabilitate youth, the juvenile justice system must identify the social causes of delinquent behavior and ideally, match youth and their families to the
appropriate services. Although the general public and some actors in the juvenile justice system may view youth under court supervision as irredeemable or bad, participants believe that the system should assume that misconduct, especially if severe, is an indication of unmet needs in the home or school.

According to participants, however, the court is not fulfilling this mission of rehabilitation. Although defense attorneys identified actions they take to promote rehabilitation of their clients, they did not feel the system as a whole was successful in rehabilitating youth. One called it “a training ground for my clients to become criminal as adults” and being involved with other youth who get into trouble. He struggled to think of a story of success, saying, “there’s such an intolerance within the court system of kids who aren’t perfect.” Another lamented that society’s and the juvenile justice system’s “resolution to adolescent misbehavior, particularly among youth of color, is to arrest them” and to focus on the “hardcore juvenile justice” aspects rather than advocating for youth. Similarly, a service provider felt that the system “looks at kids as prisoners rather than participants” and called for more preventative approaches. More poignantly, when asked for her opinion of the purpose of the DC juvenile justice system, a teacher responded:

I just don’t want to answer that. Honestly. To be honest, I couldn’t tell you what its purpose is. And that’s mainly because I would like to think it was to help, that it would be a route in which this happens, they have consequences, and it never happens again. But that’s not what happens.”

Not all participants shared these criticisms, and those that felt critically did not think to seem the entire system was flawed or that the majority of actors within the system did not
believe in the mission. Rather, they seemed to express the frustration that they had felt when a student or client who they believed to be smart, a good person and capable of recovering was lost in the system or received overly harsh punishments. For instance, a defense attorney described a client who was very smart and had only been arrested once, but had a personality that he felt prohibited the court from seeing him in a positive light:

But we the system have not figured out how to fix it and put it back. They just put the kid in New Beginnings, the detention facility, for like six to nine months. That’s their answer. And I’m like really? This can’t be.

He was frustrated that “there’s something there that’s a great kid,” but “the system doesn’t know how to get to it.” Similarly, another defense attorney described his frustration at a case he said is typical. His client had been arrested a few times for minor offenses, was sentenced to an after school program where the adult program leaders teased him about his poor reading skills, acted out against the program leaders and was consequently sentenced to detention by the judge. The defense attorney was angry that “the judge kept continuing the case, I think, assured he was gonna mess up and the judge could say commitment.” The third defense attorney expressed similar frustration when a client of his was re-arrested for fare evasion at the metro, and the prosecutor asked for secure detention because it was the youth’s third charge:

I had prosecutor call me this morning. She says to me, "you're client has been re-arrested."

I said, "which one?" And she said, [kids name removed].

And I said, "Alright, what's the charge?"

Oh wait, she said "...and we're going to be asking for secure detention. This is her
third pending case. She's been arrested twice. Both of those cases are still pending trial, so this is the third charge."

And I said, "what’s the charge?"

"Fare evasion." She jumped the thing at the metro.

I said, "you want to tell me that you are gonna remove a child from her family for fair evasion?"

She said, "not because of fair evasion, it's because it's her third pending case."

I said, "I got that. I know it's her third pending case. But it just so happens that her third pending case is fair evasion. You want to lock her up?"

"Yes."

Although these defense attorneys understand the laws and the penalties for re-arrests or certain offenses, they felt that the punishment did not fit the crime. Given the associated social stigma, academic struggles, and severity of having a record, secure detention is certainly a harsh punishment. What’s more, it seems contrary to the mission of rehabilitation that many youth who are placed in secure detention are those who most need mental health, academic, counseling or other services.

The concern that the juvenile justice system is not fulfilling its mission of rehabilitation is complicated by the difficulty of measuring the abstract concept of rehabilitation. While participants gave various descriptions of their definitions of a successful exit – youth has a job, has not been re-arrested, has been provided appropriate services, etc. – concluding that the youth was better off for having entering the court system is nearly impossible. As one defense attorney explained, the youth he views as having successfully exited the court system outgrew their delinquent behavior, but not
because of their court involvement: “I think the consequences showed them that ‘this is not a path I want to repeat,’ but there are also other ways that kids could have gotten consequences.” Another defense attorney said that his “guess is that the kids who make it would have made it anyway,” and that a story of success such as having a job or completing college is more likely caused by something about the youth himself than the actions of the court system. What’s more, he felt that the court system should be careful not to take credit for a youth’s success:

You can't convince me that if the kid hadn't been locked up, if the crime hadn't been solved, that that kid would be any worse off...for every kid that you can point to who got arrested and convicted and is on probation and does well, I can point to two, or three, or four, who got arrested, convicted, put on probation and are not doing well.

Presumably, the impossibility of measuring success and its causes makes it difficult for defense attorneys, judges, probation officers and service providers to convince youth and their family that their involvement with the juvenile justice system is beneficial. This may make it harder to engage families and youth and get them to commit to time-consuming treatment programs.

Equally worrisome is the feeling expressed by two defense attorneys that the ideal is to have a case dismissed or have the youth’s involvement with the court be as limited as possible. When defining a successful exit from the juvenile justice system, one defense attorney said, “getting [a youth] out, not in prison and not dead, is a minor success. A more positive success is getting him out without the records, winning the case and getting it dismissed.” He worried that court hearings, probation meetings and other requirements
wasted youth and families time, and that for certain underserved youth, justice-involved
makes their life worse. Certainly, preventing problem behaviors would benefit these
youth and society as a whole, but if problems exist, the juvenile justice system is meant to
fix them, not note them then ignore them. Thus, the fact that participants believe having
the court system dismiss youth rather than providing services may indicate that the
services the court provides are not sufficiently beneficial.

Perceptions of Key Players

Participants described “cultures” or political factors that may influence groups of
judges, prosecutors, CSS personnel or other actors in the juvenile justice system, possibly
leading to the disconnect between the system’s mission and practice that participants
observed. Not all participants were directly asked to describe their satisfaction with these
groups and not all observations were negative, but by examining stakeholders’
perspectives of key actors, it may be possible to identify areas needing improvement.
Having a negative perception of another group may inhibit communication, information
sharing or collaboration between groups and thus, may inhibit the system’s ability to
rehabilitate youth.

Defense attorneys, the only group interviewed that was directly asked about their
interactions with these key actors, expressed a largely negative perception of prosecutors.
They described the culture of the Office of the Attorney General (OAG) as contrary to
the system’s mission of rehabilitation. According to these defense attorneys, prosecutors
are more focused on getting the “stats” and “numbers” of convictions or detentions they
need than treating each case as unique. Likewise, defense attorneys were frustrated that
prosecutors treated their clients as “monolithic,” judging them based on the events rather
than looking at the youth as an individual in order to “figure out what makes sense for this kid and make a recommendation accordingly.” Participants qualified these criticisms by saying that not all prosecutors act this way, and by saying that prosecutors’ punitive tone may be the result of pressure from superiors to get convictions rather than rehabilitation. As one defense attorney explained,

It is very difficult I think to go into that office and to remain true to the idea of doing justice and being a helpful part of the system when the overriding ethos of that office is ‘lock people up. Get convictions: that's you how advance.’

Certainly, although prosecutors defend the state’s interests, namely public safety, their focus on punitive measures may inhibit the rehabilitation of youth. What’s more, given the high social and financial costs of secure detention and recidivism, rehabilitation of youth is as important a state interest as public safety.

Participants felt that public defenders may also have requirements that inhibit their ability to fulfill the mission of rehabilitation. First, as one defense attorney, who is not a public defender, pointed out, public defenders are kept too busy to have time to build the personal relationships with clients he finds so crucial to client’s successful rehabilitation. Similarly, new public defenders are required to serve in juvenile courts for a year, which this defense attorney felt was “billed to them almost I think as training” and “second class lawyering.” So although they are “top-notch lawyers,” the requirement to serve in juvenile courts may mean that attorneys who are not interested in youth or do not care about rehabilitation are defending youth. It doesn’t mean these public defenders can’t win cases, but all participants emphasized that across academic, community and court settings, building personal relationships with youth is successful. Thus, it seems
that recruiting public defenders that value the mission of rehabilitation and consider youth advocacy important may improve the court’s ability to rehabilitate youth.

According to the defense attorneys interviewed, judges may unintentionally compromise the rehabilitation of youth. First, judges may struggle to balance due process and the need for creative treatment programs. One defense attorney explained that some judges are very punitive, while others neglect due process when developing individualized treatment programs. Second, participants felt that judges may strive for rehabilitation, but use flawed techniques, opting for threats and punishments rather than considering circumstance. Thus, a defense attorney told a story of a youth who was ordered to an after-school court program, where he acted out after being made fun of by the adult monitors for his poor reading skills; the defense attorney felt that the judge’s subsequent decision to commit his client was “absolutely unreasonable” and was frustrated that the judge kept continuing a the case, “assured [the youth] was gonna mess up and the judge could say commitment.” The third defense attorney described the similar trend that he sees:

You definitely have judges who say, "I'm drawing a line in the sand here, you step over I'm gonna lock you up." Kid steps over, he gets locked up. And it's like, "Judge, where's the care and rehabilitation?" and he's like "dammit this IS care and rehabilitation. You've gotta teach them consequences." I'm like, "yeah, but you've got to do it in a different way."

It is possible that judges are pressured by peers, superiors or the media to ‘draw lines in the sand’ for youth. If, however, judges believe actions such as those described above do constitute rehabilitation, a more clear definition of rehabilitation must be established.
Judges and defense attorneys may hold different views on rehabilitative techniques because they do not currently engage in enough dialogue. In fact, one defense attorney said that “judges are driving things without consulting with, engaging with the key players.” Again communication between these groups, especially defense attorneys and judges, may help define and promote rehabilitation. Importantly, participants’ comments indicated that judges are an important driving force for improvements in the juvenile justice system; they praised some judges, said the judges take their training seriously and noted the quality and size of the legal community in D.C. Thus, if judges can find a way to better define rehabilitation and engage key actors, they can significantly improve the court’s adherence to its mission. What’s more, if judges can communication that definition and mission to the public, politicians and the community, the court may be able to replace punitive laws and policies with others more focused on rehabilitation.

All three defense attorneys described CSS personnel and probation officers more positively than the attorney general’s office or judges; their criticisms, however, may indicate areas to aim reform. One defense attorney described probation officers as hardworking, but lamented the fact that they “see their job as basically just monitoring” instead of connecting youth with the mental health, academic or other resources they need. Another said he has “really good relationships with the majority of the Court Social Services, maybe 75 percent of them, but 25 percent will never return your phone call”; he finds this unwillingness to communicate “appalling.” The third defense attorney acknowledged the strengths of some probation officers, but criticized those who are “power-tripping” with the kids, unable to remain professional and overly emotionally attached. As one service provider said, however, CSS is “an area of potential” for
improving juvenile justice. It is possible that probation officer’s resort to monitoring or fail to return phone calls because they have too many cases, or act unprofessionally because they are overworked, frustrated and not properly trained. Adding funding for training, resources or expansion of services would likely be difficult and/or receive heavy criticism. What’s more, as one participant explained, any government agency “can't fill a pothole, so why are you gonna have them raise your kid? It's asking too much.” Thus, investing time and/or money in preventative measures and the expansion of community-based services, which are not as restrained by bureaucratic regulations, may be more beneficial.

Participants’ views on DYRS staff and leadership also indicated areas for improvement, but were more diverse. First, defense attorneys had contrasting views about the changes in leadership (former DC Mayor Adrian Fenty replaced Vincent Shiraldi with Robert Hildum as DYRS Director in July, 2010). One participant felt that the new leadership will lead to “trickle-down effect in terms of the staff being better case workers” and recognized improvements DYRS made to its community-based alternatives to detention. Another felt that there was a new, more punitive tone as a result of the change in leadership. He described DYRS as a “political punching bag,” explaining how negative media and public opinion have made DYRS more “defensive” and more punitive. Opinions about DYRS staff were also varied. Although a service worker described positive mentoring by DYRS staff, defense attorneys were particularly critical of DYRS staff. One described his frustration at some DYRS staff who never return calls, while another criticized the “dead weight” at DYRS:

Probably more bad DYRS community workers than there are bad [Probation
Officers] – I'm not sure why that is. I don't know what the requirements are for the two different jobs, but it just seems like the POs are...it just seems as a general rule that you have more dead weight in DYRS. You've got more of these sort of older guys who have been around, older men or women who have been around for a longer time who just don't do shit. It's sad. And it's really sad when that 16 yr old committed kid goes out and kills somebody because they're fucked up, but also maybe they wouldn't be quite so fucked up if they had a worker who was actually doing something with them.

While participants are not representative of all stakeholders in the Juvenile justice system, the concern they expressed about the actions and attitudes of some key groups should be taken seriously.

**Barriers to Communication and Possible Solutions**

Communicating to disconnected or court-supervised youth may be particularly challenging, and there are a number of cultural and language barriers that participants said limited their ability to serve these youth. For one defense attorney, getting justice-involved youth and their parents to come to his office was difficult. He solved this problem by visiting the youth in their own home, a solution which he said allowed him to speak with them and to learn more about their neighborhood and home life. He has not sure of other attorneys using this practice, thus it seems that many youth’s cases are compromised by their or their parent’s inability to get to the attorneys office at the assigned meeting time. Certainly, the heavy caseloads assigned to public defenders would make home visits difficult, but a willingness to accommodate the families’ needs seems
to be a vital piece of success for defense attorneys. It goes back to what was said about defense attorneys being somewhat of a social worker, and recognizing how the roles of defense attorneys in adult and juvenile courts differ.

While defense attorneys described the ease of meeting with youth in shelter houses, accessing detained youth proved a challenge: there are long travel and wait times, and laptops are not allowed so attorneys cannot show a youth the videotape of his/her interrogation. While maximizing safety at detention centers is clearly important, one defense attorney felt that these regulations were an effort to make New Beginnings more like jail, the goals of the new, more punitive DYRS and OAG leadership. Certainly, when the system treats youth as prisoners rather than participants, communication and the maintenance of interpersonal relationships are less important.

Cultural and linguistic barriers also complicate communication for participants across groups. Spanish-speaking youth seem to be underserved by the juvenile justice system, and defense attorneys describe communication barriers with the youth and their parents. Participants also acknowledged that it can be difficult to communicate with any youth, a developmental trait that has been recognized by social scientists. As one defense attorney explained, “adolescents speak a different language,” so “training on adolescent development is really important for the entire defense bar.” Similarly, a service provider explained how training is necessary for the mentors and youth in her program, who often have trouble understanding the “different vocabularies and idioms and slang” used by the other party. Racial and cultural biases may also create communication barriers. Certainly, though youth advocates make active efforts to see each youth as an individual, they may be affected by the negative stereotypes surrounding disconnected or justice-involved
youth. On the other hand, one defense attorney explained that his clients, who are mainly African American or Latino, are sometimes reluctant to speak with him because of his race:

I had kids who, especially initially, but some all the way up through the end of the case, won't talk to me because I'm white… I'll talk to people about the case and they'll be trying to describe to me a white person, and they'll be like, and they start looking around, and they're trying to think of a word that’s nice for it, "he's uhhh...he's light-skinned." And I'm like, "light-skinned black?" "No, light-skinned, like you." "So he's white." "Yeah, no offense." So there are people who can never bridge that gap.

Similarly, defense attorneys and service providers said that parents’ perceptions of the court system and affiliated persons can sometimes complicate communication. According to a defense attorney, parents may have personal experience with the court system that led them to have a “dim view” of the court system and see court appointed attorneys “as people who basically are functioning on behalf of the judges and even the prosecutors.” He said that in his experience, many parents did not seem upset that their child had been arrested, but rather felt victimized by the court system: “‘Why is my kid getting locked up for something that everybody else is doing?’ That's the reaction I get all the time.”

Likewise, a service provider described how her organization’s affiliation with an area university can be a turn-off for parents:

For some families that makes them really reticent to engage us because we seem like a very transient organization to them. Like we’re one that’s really there to sort of study rather than work with fixing the community. And for others they
really want to grab onto us because we represent something that they would love for their kids or we represent that university structure so it goes both ways.

Thus, communication must not only be consistent, it must also be culturally appropriate and attend to the voices of justice-involved youth and their parents. The Juvenile justice system could also improve communication by investing in neighborhood and community based service provision, which may be better able to communicate to parents than judges, court appointed attorneys or non-community based service providers.

Another barrier for communicating with impoverished youth – whether justice-involved, post-detention or not – is the lack of reliable telephone numbers and addresses, and access to technology. Service providers explained that youth will have cell phones, but will run out of minutes or lose the phone, houses numbers often change, or messages are not passed along. Likewise, for homeless youth or families in transition, temporary address changes may not be told to service providers, teachers or defense attorneys.

Participants also described the difficulty of communicating with parents who are working long hours, and unable to take calls or make meetings during normal business hours. Service providers explained, however, that increased technological access was already or would help improve communication with parents and children. One service provider said Facebook was the best way for her to contact youth, and explained how her organization’s free computer access has helped youth develop resumes, communicate with friends and family and find jobs or community service opportunities to complete treatment programs. Her organization is hoping to provide free wireless internet for the surrounding neighborhood – a relatively simple and cost effective improvement.

Likewise, another service provider hopes to develop a cell phone program that will
allows free, limited text messaging and calling to only certain numbers, such as the numbers for parents, teachers, probation officers and mentors.

Even without advanced technology, it seems that service providers create a crucial point of contact for justice-involved and vulnerable youth. Service providers may facilitate communication by attending treatment team meetings in place of or in support of parents. They can make sure youth and parents voices are heard, ensure that “everyone is on the same page,” and “be a point of contact in general.” Community organizations are also helpful given the number of transitions that justice-involved youth often experience. As one service provider explains, justice-involved youth may change schools, their families may move, they may move detention facilities, but her organization remains in contact: “Our number is the same, we're here, we're all the same.” Her organization maintains a file for each youth containing resumes, social security numbers and birth certificates, provides free use of phone and internet, and allows youth to have mail sent to the organization’s address. She explains the importance of aiding communication: “we offer a source of stability to try to prevent them panicking or giving up in whatever area it is because they don't have XYZ, things that are relatively easy to have.” From her comments and those made by other participants, it seems that mentoring programs may be especially important in improving communication for those working with justice-involved youth. Participants’ descriptions of mentoring programs and their positive potential were discussed in the Mentoring as a Low-cost, High-benefit Intervention section.

While participants were not critical of low-income families or youth for these communication barriers, numerous participants expressed frustration when
communication was lacking between professionals involved with disconnected or court supervised youth. A defense attorney explained that when communication breaks down with caseworkers, it compromises his ability to represent his client well. Likewise, a teacher expressed frustration that her school had not informed a non-custodial parent that his child had been transferred back to the home school from an alternative school. She felt that people might be “out for themselves” and that the difference of priorities between parents, schools, teachers and the court system may compromise their ability to aid the child; she said: “I think our priorities are very different. I don’t know, out of all of us, who’s really there for the child?” Again, compared to the social and financial costs of detention facilities, mental health services and a high recidivism rate, improving communication seems like a viable and cost effective way to aid justice-involved youth.

Laws, Practices and Policies of the DC Juvenile Justice System

Participants also raised a number of concerns about specific laws, practices or procedures within the juvenile justice system in DC. These concerns are of particular interest to advocates, the community and juvenile justice system personnel because many of them are things that have been recently changed or are feasible to change. That is, while eliminating the poverty and stereotypes that often lead to a youth’s involvement in the juvenile justice system seems daunting, changing one procedure is a manageable and feasible goal.

Across groups, participants expressed concern and frustration at what can best be described as “targeting” by police. Presumably, any targeting that happens by law enforcement officers is influenced by stereotypes of youth that, as participants noted,
often contain some truth. Thus, this section is not meant to criticize law enforcement officers for being watchful, but rather, it demonstrates a need to show officers exceptions to the stereotypes so that youth are not targeted based solely on race, poverty or another stereotypic characteristic.

Targeting seemed to occur based on stereotypes of individuals and neighborhoods. For example, a service provider described how officers will approach a youth she serves in a high-crime neighborhood, even when that youth is on her organization’s property, playing basketball or waiting for a bus. She said “the cops will approach him and start kind of heckling him and trying to figure out if he is in trouble or not or what's going on” and that she feels that “the boys are just picked on more.”

Likewise, a defense attorney criticized the “vindictiveness” from police who “target certain kids, certain neighborhoods, over and over and over again,” an activity which he feels “happens too often.” He also described how “kids with dreads, African American youth with dreads, with twists,” are “automatically targeted” and the growing number of Muslim youth who are targeted then report that “the officers were disparaging, making religiously offensive comments.” Finally, he made a very important and powerful point that was expressed by all other participants; he drew a parallel to the lives of persons outside vulnerable communities to explain that many youth engage in some sort of delinquent behavior, but that youth in vulnerable communities are targeted and are thus more likely to be caught:

I bet all three of us sitting in this room have done something that…my clients would have been charged with that you never would have been charged with and I never would have been charged with. You know students in my [law school]
class, I’m always amazed, you know the kids who, you know, in the middle of the night run through the neighborhoods and take a bat and knock off all the…mailboxes. All those [students] say, “uh, yeah!” None of those people would have been arrested. Our clients would have been arrested.

What is of most concern here is that these youth are “automatically” targeted because of their race and appearance. Thus, they suffer the negative consequences of involvement in the juvenile justice system – criminal record, missed time from school, potential psychological damage, time away from family – simply because of their race and appearance. This analysis and, presumably, the participants’ criticism, are not intended to mean that guilty youth should not be arrested and/or charged, but that the occurrence of arrests should not be happening more to one group solely because of race.

From the perspective of youth advocates, targeting is especially worrisome for youth on probation because it may lead to re-arrest, thus leading to incarceration or another severe consequence. Defense attorneys expressed frustration that such re-arrests often occur for small offenses – jumping over a metro turnstile, disorderly conduct at a metro station, throwing “missiles” (legal terminology for rocks) in the street – but lead to significant consequences for youth. What’s more, it is possible that not only are certain youth targeted for police interviews more often but that police give them larger consequences: “you [white, female, adult, affluent researcher] get a ticket. But if you're a black teenager and you do it, you wind up getting arrested.”

One defense attorney was careful to explain, however, that the perspective of defense attorneys and service providers on police targeting is not fully accurate. He wished the police could show “more discretion” in terms of arresting youth for minor
offenses, but recognized that “maybe nine times out of ten they're not arresting them for the stuff that I think shouldn't have been arrested for in the first place” and maybe “eight times before they let the guy walk” with just a warning. He also explained that in DC, the cops may be less susceptible to negative media representation of vulnerable youth and less likely to stereotype because

Many of them come from the same neighborhoods, so if they don't know the kids, they know sorta the general, sort of model for these kids. And you know, a lot of the DC police growing through the same stuff as kids. So they actually I think have a better understanding of the kids than say maybe the prosecutors do or the judges do.

Aside from targeting, service providers and defense attorneys criticized a number of specific laws and practices in D.C.’s juvenile justice system. First, one defense attorney criticized the participation orders that judges give the parents of youth on probation; the orders require that parents monitor curfew, school attendance, and other areas of the treatment program and threaten parents with contempt of court if parents don’t monitor their child and report back to the court. While in theory, a participation order should inform the probation officer and judge of a youth’s progress in a rehabilitation program which could result in a successful exit from court-involvement, according to this defense attorney, “parents see it as an inconvenience.” They tell him, “I'm not on probation. Why do I have to do this?” The defense attorney was careful to explain that he believes parents should monitor their youth on probation and that participation orders may, statistically speaking, be successful in getting parents to come
to court dates to report on youth’s behavior. It seems, however, that courts may want to consider the message they send to parents when they require participation orders and the comparative effectiveness of those orders.

A defense attorney also expressed concern about the transfer of juveniles to adult courts, which DC law permits for youth over 15 who commit serious offenses. He said “it never happens…because it's too complicated, and it just should be gotten rid of.” He recognized that from a citizen’s perspective, allowing a youth who committed an offense that would put him in prison for 30 years if he were over 18 to simply be in juvenile detention until age 21, seems illogical. He noted, however, the argument often made by psychologists: “the science is clear that you're 16, you're 17, you’re not functioning as an adult, and you're not making rational adult decisions.” His comments indicate the complexity and controversy surrounding transfer to adult court, while social science research indicates that when transfer is used before rehabilitation programs, it can increase recidivism.10

Defense attorneys were very critical of the recent decision to open juvenile records, thus compromising the confidential protections that were so crucial a part of the juvenile court’s original mission. Defense attorneys said opening juvenile records “creates stigma,” is “contraindicated” and is contrary to the mission of rehabilitation by limiting a youth’s ability to obtain the employment that could significantly aid rehabilitation. They were equally critical of the new procedures surrounding the “rule

48B motion, dismissal for social reasons,” that allows a defense attorney to file to dismiss a case because it is in the best interests of the public and the welfare of the child not to prosecute the case. One defense attorney was frustrated that prosecutors were “trying to push back” against this law, which he considers a good thing for certain kids and “in [his] opinion it’s not abused.” Another defense attorney criticized recent changes in the procedures for use of a 48B motion that require the case to be adjudicated before a defense attorney can ask for the dismissal. He said that procedure “makes no sense” because judges seem to be capable of determining pre-adjudication whether or not dismissal would be appropriate in the case. What’s more, dismissal only after adjudication means that significant amounts of time and money were spent, just to have it dismissed. Finally, these procedural changes seem to have moved decision making power from judges to prosecutors, which may undermine the court’s mission of rehabilitation.

Despite participants’ criticisms of the procedures discussed above, they mentioned some recent improvements to DC’s juvenile justice system. Comments pertaining to perceptions of key players, aspects of treatment programs or provision of services are discussed in their respective sections, while the two comments that pertain to laws and policies, made by one defense attorney, are discussed here. First, he praised taping interrogation interviews as an improvement. He said it has “been helpful for everybody” and “I don't think anyone really complains about it.” It “speeds up the entire process” because having taped interviews eliminates courtroom arguments about what a youth did or didn’t say, enables defense bar to develop their case more quickly and reduces the number of motions filed in the courtroom. Similarly, he felt that the Voucher system, which only defense attorneys were asked about, is “100% better than it used to
be” and that “they do a very good job.” It may be that stakeholders who chose to participate in this study were more critical of the juvenile justice system than other participants. It is also possible that because the study was sponsored by a youth advocacy group, participants felt that they should spend more time discussing areas where improvement is needed. It may also be that as more participants are interviewed, more recent improvements will be noted. Regardless, it is clear that despite any improvements, there are some significant disadvantages of laws and policies worth the system’s consideration.

Do Treatment Programs Effectively Rehabilitate Youth?

Similar concerns were raised for certain aspects of the treatment programs assigned to youth after adjudication. Two service providers and a counselor expressed frustration that there is often not sufficient follow up by the court system on the treatment program, leaving the youth to complete it by his/herself. As a service provider explained, “if you just handed the child the plan and the resources...they're kids...they may or may not figure out how to get to the end from there.” She went on to explain that often times, when the courts don’t follow up and the youth lack the motivation or resources to complete their treatment programs, the youth end up receiving harsher punishment if they are re-arrested. She was especially concerned about the lack of support for youth needing to complete community service hours, which may be difficult given when she described as a general lack of volunteer opportunities for youth in DC, especially youth with a juvenile record. Likewise, another service provider explained that a lack of follow-up after re-entry into the community from a group home or correctional facility may
compromise long-term rehabilitation; she said the Lead Entities, the two organizations charged with providing services, often do not follow up unless specifically asked to. Thus, the youth who are most likely to have limited rehabilitation success are those who most lack community and family support.

A disconnect between treatment program intentions and the reality of youth’s lives was also evident through a service provider’s criticisms of the stay away orders assigned in treatment programs. She explained that the court may assign a stay away order to prevent a youth from returning to the area where he or she committed the crime, provided the youth’s official address is outside the boundaries of the stay away order. In practice, because of the transition and instability that occurs in many families of justice-involved youth, the order effectively prevents a youth from sleeping at one or more of the places he/she unofficially calls home. Again, a stay away order in and of itself is not flawed, but it requires proper follow up from a judge or probation officer to assure that the youth is not made homeless or forced to leave a supportive environment.

While time and heavy caseload is certainly a cause of the issues associated with a lack of follow-up, a failure to engage the youth may also be at fault. One defense attorney described, for instance, the ineffectiveness of family meetings and the frustration youth feel when their voice seems to be ignored:

They start out saying to the client ‘This all about you, we’re going to talk about your strengths’ and then they never address the client. My one client stood up and said ‘I’m hungry, I’m going to lunch. This isn’t even about me anymore.’

Similarly, a teacher expressed concern that community members and court personnel may not be aware of what justice-involved youth want for themselves. As he explained:
I think that as adults we have a lot of ideas about what they need. And in many cases those are absolutely some of the needs that they have. But…I don’t know how many judges say, ‘look, what do you need?’

Participants also acknowledged the time commitment required for youth to complete treatment programs, and even for youth during the adjudication process. A service provider pointed out that although some justice-involved youth have dropped out of school, those who are still enrolled may struggle to balance academics and attend court dates. Similarly, a defense attorney described the support required from parents, who must take their children to court dates, complete drug testing, meet with probation officers, etc. This may be especially difficult considering that many youth are involved in the system because the lack of support, poverty or health problems occurring in the home. Finally, another defense attorney noted that currently, the juvenile justice system, the community, and the youth and their parents dedicate this time but that sadly, many youth are re-arrested, implying failure. In theory, the time that juveniles and their parents spend attending court dates or completing treatment programs is worthwhile – they may receive the mental health, mentoring or other services their family needs and rehabilitation may be achieved. Participants’ comments do not seem to indicate that the system do away with treatment programs, but rather, that it examine the effectiveness of certain requirements and consider a time-benefit analysis. Likewise, taken with the above concerns about lack of follow up, participants comment imply that if the court were to follow-up on the “fluffier” aspects of treatment programs – such as community service –
youth may not get to the point where they need to be assigned drug testing, counseling or a similar more time- and money-consuming program.

The use of Residential Treatment Centers (RTC) also merits consideration by the system and the community; it is important to note that these facilities differ from correctional facilities in that they are typically far from a youth’s home neighborhood and have historically been associated with mental health treatment. While some participants were highly critical of these RTCs, others described some youth’s need to leave their current environment, a need that may be fulfilled by out of state treatment centers. One defense attorney explained that it is “almost impossible” for attorneys, families or other interested community members to keep in touch with a youth who is sent to an RTC as far away as Texas, Utah or Minnesota. He expressed concern that sending youth away can “bust up” the familial bonds that may be the “one thing that's anchoring them,” and then “they don’t have that relationship anymore with their Mom, their Uncle, their little brother, whoever is was.” What’s more, although the youth may learn and apply coping and interpersonal skills while at the RTC, those skills may have little to no application for their life upon return to their home and neighborhood. Similarly, a service provider described RTCs as a “pretty big abuse of the juvenile justice system,” explaining that they have “no oversight, no quality assurance” and that they may be “adding to the trauma, adding to the disconnect of DC and to families,” making re-entry that much more difficult. She questioned the use of RTCs – which incur large facility and transportation costs – and suggested investments in community services as an alternative.

On the other hand, participants, some of whom criticized RTCs, told stories of youth who succeed because they were able to leave their negative home or neighborhood
One youth needed to be able to access better special education resources outside of D.C. to achieve academic success and end delinquent behavior, while another “seems to be thriving” and earned honor roll after leaving his negative home life to live with another relative. Likewise, when asked about a possible solution for a youth involved in a fight over his neighborhood, a third participant expressed this need to physically separate from negative influences: “it’s hard to say, but the best thing I can think of is to get him out of the environment that he’s in. This ward, maybe this city.” Thus, while the D.C. juvenile justice system should assure oversight and quality of any facility to which it sends youth, it seems that more work is needed before determining what characteristics may indicate or contraindicate the use of a RTC.

Participants varied in their opinions on the quality of detention facilities, correctional facilities and group or shelter homes in D.C. Although one participant expressed concern over the quality of correctional facilities, another said that he thinks “the facilities are better, both the facility in North East Washington as well as the New Beginnings facility in Laurel, Maryland.” A service provider mentioned a January, 2011 report released by the Vera Institute of Justice, which included a set of recommendations about continuing improvements to New Beginnings operations, staff training and development, and research and information management. Similar to the report, she felt that although New Beginnings was an improvement over the Oak Hill facility, closed May 2009, there were still a number of improvements to be made. Likewise, she felt that “group homes also have gotten a lot better over the years,” but that “there could be a little more quality assurance” and that “staff doesn’t seem to have

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11 See Vera Institute of Justice: Center on Youth Justice (2011).
changed”; she suggested training group home staff in positive youth development principals and using training methods similar to those used for New Beginnings staff. All participants that mentioned academics at New Beginnings, however, had very positive comments, suggesting that the Maya Angelou Academy is significantly better than past correctional facility schools and may serve as a model for improving academics for other youth under court supervision.

Which Groups of Youth Are Currently Underserved by the Court System?

In addition to mentally ill or cognitively impaired youth (discussed below), there are number of other groups that participants felt are currently underserved by D.C.’s juvenile justice system, including 18 to 21 year olds, homeless or runaway youth, females, LGBTQ youth, Muslim youth, Spanish speakers and immigrants. First, persons aged 18 to 21 are in a unique position because they are considered adults by most, but DC laws extend the juvenile court’s jurisdiction to 21 in certain circumstances. Thus, as one service provider explained, 18 to 21 years olds may have extra trouble as they search for housing, job training programs, mentoring programs and other resources upon re-entry into the community. Similarly, homeless or runaway youth may face extra challenges when they first come under court supervision. As discussed previously, a youth with unstable housing or who has run away from home may suffer when a stay away order prevents them from sleeping with the friend, family, etc. they have been staying with if that person lives within a specified distance of where they committed the crime.

Likewise, as two defense attorneys explained, a homeless or runaway youth cannot be
assigned probation, and will be committed, unless he/she is taken in by a family member or interested adult.

Females were also described as an underserved group. One defense attorney thought girls who are engaged in prostitution may not be properly served by DYRS; though he did not specify why, it possible that these females do not receive proper counseling and lack services upon re-entry. Similarly, another defense attorney described the “horrible double standard” he has seen with girls, who he says are more likely to be detained for promiscuous activity:

Judges are receptive to social workers telling them, we need to detain this young female because she is having sex with an older guy and it's unhealthy. The same social worker then comes to the next case with the judge, and the guy is like father of two babies with a 21 year old girlfriend...but no one is talking about locking him up for it. No one is talking about depriving him of his liberty interests because he's having sex with a 21 year old. Whereas the girl, yea we'll put her in a group home or we're gonna send her out of the city because she is communicating with some guy who is 21 years old.

What’s more, according to one service provider, girls are more likely to be sent to residential treatment centers, either due to the double standard or a lack of facilities for females in the D.C. area. Similarly, for LGBTQ youth, defense attorneys said that there are not enough alternatives to detention and case workers may lack training in communicating with these youth and matching them with proper services. It seems that LGBTQ youth may be particularly susceptible to family and neighborhood struggles – they may suffer emotional rejection from family members, may get kicked out of the
house or may resort to delinquent behavior more quickly than other youth who do not have the added pressure of sexual identity development in addition to the normal identity development of adolescence.

While participants across groups expressed concern over the targeting by law enforcement, particularly of African American youth or neighborhoods that are predominantly African American, defense attorneys also mentioned other racial and ethnic minorities. They noted an increase in Muslim youth as clients, and mentioned that “officers were disparaging, making religiously offensive comments” to these youth. Likewise, one defense attorney described an immigrant youth with an “irritating” personality and “cultural barriers,” but was frustrated that his client was placed in detention even though it was his first offense and he was nearing graduation from regular education high school. The lack of court personnel trained in other languages and cross-cultural communications also negatively affects Spanish-speaking youth and their families. As defense attorneys explained, although there are Spanish-speaking probation officers and a few police officers and case workers, these youth may struggle to get proper rehabilitative services. Although one defense attorney said the manuals for DYRS and Court Services and Offender Supervision Agency (CSOSA) are translated into Spanish, shelter house rules may not be translated for Spanish-speaking youth and Spanish-speakers may be lacking in detention centers. Communicating with the parents of Spanish-speaking youth was also described as a barrier. Certainly, improving services for these groups of youth could save youth and the system time and money by reducing recidivism and ensuring immediate access to proper services.
Mental Health Needs and Service Provision

Across participant groups, one of the largest areas of need in the community and in the juvenile justice system was mental health services. All participants mentioned mental health in reference to the negative effects of living in a vulnerable community, while six participants gave detailed stories of youth with mental health issues underserved in the justice system or mentioned the need for community-based mental health services. First, participants from all groups described the mental health needs of the vulnerable youth they serve. They said these youth need support networks to help them deal with the stress of poverty and trauma of living with domestic and sexual violence. They emphasized the need for counseling services: “A lot of our kids have seen terrible things that no one should every have to see, much less a child.” A teacher told a story of a young woman who was able to overcome significant behavioral and emotional problems through participation in a women’s support group. One defense attorney lamented the lack of inpatient drug treatment in D.C. and explained:

You have to beg borrow and steal – and really, to be honest with you, you have to lie to get your kids in. And basically claim that they have other problems that they don’t have so that they can get into an inpatient facility. Those kids are highly underserved, highly.

Although one participant praised the recent expansion of community based mental health providers through the department of mental health, defense attorneys and parents may feel that they can only provide a youth with services by getting him/her involved in the juvenile justice system. Certainly, the use of the juvenile justice system in place of mental health services adds caseloads to an already busy system, creates marks on a youth’s
record, and probably lengthens the time a youth has to wait for services. What’s more, a service provider pointed out that although youth in vulnerable communities in D.C. have a high need for mental health services, justice-involved youth are even more likely to suffer from mental health problems. Thus, she emphasized the need to expand behavioral and psychological counseling services in New Beginnings so that they are able to serve all youth, not just those who are most severely affected. Although one participant noted the Mental Health Diversion Program\textsuperscript{12} as an improvement, participants’ comments point to a need for awareness of mental health issues and an abundance of services available to disconnected and justice-involved youth.

Resources seem to be even scarcer for cognitively challenged youth. As one defense attorney explains, these youth may not be cognitively impaired enough to get their case dismissed, but are generally found competent to stand trial. Their impairments, however, severely limit their ability to complete treatment programs that do not take into account their limitations. As one defense attorney explained,

\begin{quote}
We send them home with conditions to follow just like every other kid: you've got to follow a curfew, you've gotta go to school every day, you've gotta meet the PO every day, you've gotta do counseling. They don't do it. They can't. They can't get on the bus by themselves. It's like telling a six year old to do this stuff.
\end{quote}

Similarly, another participant described the lack of resources for children with autism, saying, “they can’t read social cues and yet the solution is to put them in classes where they have to interact…it’s like jamming a square peg in a round hole.” After assigning an impaired youth to a treatment program that he or she is unlikely to be able to complete,

\footnote{12 See Superior Court of the District of Columbia. \textit{Mental Health Court Diversion Pilot Program}.}
the court is then presented with the challenge of what to do with the youth. Defense attorneys expressed frustration with prosecutors who push for detention despite the youth’s impairments and the lack of appropriate resources currently available in detention centers. One defense attorney described how he received a letter from the psychiatrist of a client with significant impairments who, despite the defense attorney’s efforts, had been incarcerated: the letter was “blaming me for the fact that he was locked up. And saying that ‘it should be considered legal malpractice that your client is locked up given the needs he has’…it's a recipe for disaster.” Cognitively impaired youth may also suffer even in less intense settings than correctional facilities. One defense attorney told a story of a young teen that had the cognitive capacities of a five year old; although the youth was later found not competent to stand trial, he was locked in the at-risk room his first day after arrest:

They turn off the light at night and he completely freaks out because he is scared of the dark. He's got the mind of like a five year old. So he starts banging his head on the glass because nobody will get him out of there and they turned off the light and he's by himself. And they want to charge him… for attempt of destruction of property for banging his head on the glass.

Defense attorneys also described how impaired youth may suffer in shelter or group homes where staff members are not properly trained to deal with their impairments and impaired youth are likely to be victimized by other youth. One defense attorney suggested having a small number of probation officers who specialize in emotionally and/or cognitively impaired youth and can match those youth with the appropriate services instead of having them “floundering around through the system and nobody
really knows what to do with them.” Although this solution requires that community resources be available, it is an improvement over the current situation. Clearly, the need for mental health services has not yet been recognized or acted upon by DC’s juvenile justice system, and cognitively and/or emotionally impaired youth remain highly underserved.

**Possible Improvements to Juvenile Justice System Policies, Procedures and Services**

There are a number of improvements to the juvenile justice system that participants directly suggested or implied through expression of criticism. The possibility for expanded juvenile justice system and DCPS collaboration, and creating partnerships with community organizations and other government agencies were previously discussed. Such collaboration could streamline provision of services, expand services available to vulnerable youth, provide research opportunities and enable the juvenile justice system to better serve the groups of youth that participants recognized as underserved. This section will examine other possible changes that could yield similar results, beginning with modifications to treatment program practices and policies for both youth on probation and youth in correctional facilities. Next, the benefits of increased participation of families and defense attorneys will be examined. Finally, this section will highlight participant’s comments about the need to educate the public about youth under court supervision to reduce stereotyping, increase understanding of legal processes and ideally, gain public support for intervention and prevention efforts.

Participants suggested a number of ways to improve rehabilitation efforts for youth under court supervision. First, as one service provider explained, volunteer
opportunities for all minors are lacking in D.C., reducing opportunities for healthy recreation and making completing community service requirements especially difficult for justice-involved youth. If through the community, schools or the court system, youth had more access to volunteer opportunities, they may be less likely to engage in risky or delinquent behaviors. What’s more, access to volunteer opportunities would likely increase the success of rehabilitation efforts for youth on probation. Given the stigma attached to court-involvement, efforts to increase volunteer opportunities should be tied to efforts to increase public support of justice-involved youth and reduce stereotyping.

Like increasing volunteer opportunities, providing alternatives to detention may reduce the incidence of court-involvement or re-arrest, thus limiting the number of youth in detention and the associated costs. Participants emphasized the need for group homes or independent living programs catered to homeless and runaway youth, who are more likely to be placed in detention simply because they cannot be on probation without a home and an adult monitor. Likewise, a defense attorney emphasized the need for alternatives to detention for LGBTQ youth, many of whom are runaways, or struggle in traditional group homes that cannot meet their needs. Although not specifically geared toward these groups, one counselor suggested the use of residential programs at schools as an alternative to group homes; his school, which welcomes disconnected and court-supervised youth, has a residential program, easing the transition for youth and enabling them to better maintain their academics.

Other participants gave suggestions of changes that may increase the rehabilitation of youth in correctional facilities. For example, a service provider
suggested expanding the programming for youth at New Beginnings to ease their re-entry into the community, saying,

I feel like if the service provision really wants to be strong in the community, they need to start working not just one or two weeks before they are released, but months before they are released to really develop a relationship… that’s not so much of a different program as it is a different way of doing it. And that could be any program - it could be sports it could be mentoring it could be tutoring, it could be mental health. It could be anything.

She suggested that the Lead Entities for Service Coalitions, the two organizations charged with connecting youth to services, try to improve financial transparency, the uniformity of policy and decisions, and communication and follow-up on case plans.13 Although the Initiative is designed to increase and streamline service provision for all youth involved in the juvenile justice system, she suggested that it may be particularly helpful for youth re-entering the community after incarceration. Similarly, service providers, teachers and defense attorneys all expressed the positive potential of employment for these youth. They emphasized the need for training in job and social skills, and the importance of having job training partnered with business willing to hire the youth (their comments are discussed in an earlier section). Another participant emphasized the need for housing for youth upon re-entry, especially independent living programs that can often provide job and social skill training. She stressed that males

13 DYRS partnered with the Children’s Youth Investment Trust Corporation, CYITC to award two grants as part of DYRS’ Lead Entity and Service Coalition Initiative; East of the River Clergy Police Community Partnership serves Wards 7 & 8, while Progressive Life Center serves Wards 1-6. See Department of Youth Rehabilitation Services, (2011b).
wanting to live with their wives/girlfriends and children, and youth ages 18-21, who are considered adults by most but are still part of DC’s juvenile justice system, are particularly underserved with regards to housing. Participants’ suggestions point to interventions that seem necessary as well as feasible. Adding group homes for certain types of youth, expanding programming for youth in New Beginnings, increasing volunteer opportunities – most of the suggestions require an expansion or adjustment of services, rather than an entirely new program, and thus are less likely to be very costly, be limited by regulations or fail to gain support.

Just as participants stressed the need for building personal relationships in schools and communities, it seems that strong personal relationships with court personnel may strengthen rehabilitation efforts. One defense attorney, for instance, stressed the importance of multisystemic defense representation in juvenile justice. He acknowledged that the formal role of the attorney is to advocate for guilt or innocence, prepare the trial, and advocate for the least restrictive detention option; he believes, however, that a defense attorney should also attend school disciplinary hearing, link the youth with drug treatment services, and take an active role meetings with service providers and case workers, both during court supervision and upon re-entry. He said, “I think the defense attorney should be at the table for that too because we speak for the child in a way that other people don’t.” Another defense attorney voiced a similar opinion, saying that he thinks a defense attorney needs to act almost as a social worker. He stressed the importance of building a personal relationship with his youthful clients by visiting their homse for meetings, taking them to lunch and trying to engage them as an individual. He
believes that spending time with youth can be “very effective,” especially for youth who feel abandoned by or mistrustful of the system:

Some of them at the end of it, they'd be like, "You know what? You're alright."

And it was like, from the tone they were using, it was clear that it never occurred to them that that might actually be the case.

The two other defense attorneys seemed to take similar actions, working with parents if they need support, trying to get the appropriate services and treating each youth as an individual. It is probable that the defense attorneys that participated in this study are more likely to support advocacy than other attorneys, but their assertion that building personal relationships and providing multisystemic defense representation increase rehabilitation success is important. Certainly, their practice is aligned with the court’s mission of rehabilitation, a mission that participants said the court is currently struggling to fulfill.

Across groups, participants acknowledged the biological, social and emotional attributes that make adolescents unique and should be taken into account by the juvenile justice system. For instance, a service provider explained that youth may become involved in delinquent behavior when alternatives are lacking because “the kids are just being kids and they don't have any other place to hang out.” Another emphasized the positive effects of enlisting university students to mentor vulnerable youth, given the closeness in age and the adolescent need for peer interaction; this approach may be particularly feasible due to the large number of university students in D.C. and should be explored by the community and the court system. Another method that uses susceptibility to peer influence in a positive way is the mentoring by former youthful offenders that a service provider suggested. Similarly, a teacher stressed the benefits of peer mediation as
an alternative to discipline because it fulfills youth’s social needs and encourages the understanding of the link between actions and consequences that social science research indicates is developing in during adolescence.

An understanding of developmental psychology on adolescence seems especially important for the court system, as it generally serves youth who have additional environmental, cognitive or social challenges. As a defense attorney explained,

I think they have an awful lot of challenges and I think they do the best that they can. They’re also kids, they’re brains aren’t completely developed and they do really stupid-shit things. Well so do other teenagers but somehow they have more safety nets around them and so these kids I don’t think have that kind of protection and they get nailed.

Similarly, a service provider who works only with incarcerated youth explained that “pretty much all of [her] kids have mental disabilities and emotional disabilities,” thus service providers, court personnel and teachers “have to know what [they]’re doing to interact with youth with these issues.” Participants often drew parallels to their own experiences or the lives of affluent youth to explain the universality of these adolescent developmental traits and behaviors. One service provider explained that framing community service in a positive light is important because in her youth, she “always saw community service as onto itself as being a punishment.” Likewise, when explaining how youth are often targeted because of their race, dress or neighborhood, participants emphasized that youth of all races, socio-economic statuses and geographic locations engage in risk-taking. A defense attorney admitted that he engaged in activities in high school that today could have gotten him suspended, but that his school was more lenient.
than schools today. In discussing their own youth and youth of all socioeconomic statuses and races today, participants explained that oftentimes, adolescents outgrow the desire to participate in risky or delinquent behavior; this assertion is backed by social science research that links behaviors to brain development. As a defense attorney explained,

There are studies that show that kids do adolescent, engage in adolescent misbehavior and if you let that, if you treat that as a normal course of life, as opposed to criminalizing that kind of behavior, you know, kids are going to grow out of it.

He also said that youth whom he felt had successfully exited the juvenile justice system had simply outgrown their delinquency:

Kids…who successfully exited? They’re kids who did stupid stuff and would never do it again – like doing stupid stuff for like a year and then realized, ‘what am I doing,’ if that makes any sense. They grew out of it. I don’t think the juvenile justice system did anything to make that exit any better.

Of particular concern is his final comment that a natural outgrowing of delinquency may be a more powerful factor in rehabilitation than anything the court system did. If he is correct, the court system should be careful not to use overly punitive actions that prevent a youth from outgrowing the behaviors but may damage a youth’s record, academics and relationship with family or the community. Certainly, delinquent behavior should not go unnoticed, but rather, the court system should limit negative consequences of risk-taking and provide positive alternatives rather than punishing youth. Overall, participants’

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14 See Smetana et al. (2006), and Chapter 2: The science of adolescent development and teenagers’ involvement in crime in Scott, E.S. & Steinberg, L. (2008).
comments indicate that the juvenile justice system may be able to serve youth better if stakeholders, as well as the general public, better understood adolescence development.

Like teaching the public about universal adolescent developmental traits, providing information to contradict the stereotypes of disconnected and justice-involved youth may increase the efficacy of and support for rehabilitative methods. To debunk stereotypes, participants provided descriptions of the difficulty of life for many youth who become justice-involved, oftentimes drawing parallels to the factors in their own lives that led to success. For instance, one defense attorney illustrated the lack of support for vulnerable youth compared to more affluent youth: “if you think of your own lives and how it is that you came to be successful – you know, college, masters program – it’s ’cause somebody somewhere supported you and encouraged you.” Another said, “I think as an overall population [these youth] have a ton of strengths and they can endure things that I think people who are passing judgment couldn’t get through in a day.” They also said that the public doesn’t understand “what these kids are faced with in terms of …odds against them in the community,” “the extent of trauma that most juveniles have experienced in their lives,” and “how many of their basic needs aren’t being met.”

Participants also stressed that despite negative stereotypes, many youth they work with are smart, capable and hardworking; they admitted that some youth have severe disabilities or family problems, but emphasized the individuality of these youth that is negated by stereotypes. One service provider explained:

It is certainly true in my experience here in D.C. that the majority [of youthful offenders] are poor, are black, are male. And it is true that a lot of them have been violent in the past in certain contexts. But I don't think it's true that they are
generally violent people, rather instead they have been surrounded by violence since they were children and sometimes express that themselves.

She explained that the traits of dishonesty and stubbornness that are often part of the stereotypes of justice-involved youth are actually reflective of the human population. Thus, “there are many of them who are not [stubborn or dishonest], and many who are open minded, patient, flexible, kind, shy,” and “the good traits of youth and teenagers apply to them just as much.” Similarly, a defense attorney said that although these youth are stereotyped as “antisocial, killers, hardwired that way,” in reality, “they are very individual.” Another defense attorney described the unfulfilled talents of youth he has worked with:

If he just had somebody who gave him some capital, you know, he could run fashion shows – he’s that good. You got another kid who’s exceedingly talented at drawing, another kid who’s exceedingly talented in poetry, you know, another kid who’s really smart mentally, mathematically inclined – a couple clients mathematically inclined, but you know something is happening where that’s not being nurtured.

Likewise, it is important to help the public understand that that majority of crimes committed by juveniles are not, as the media portrays, horribly violent; many youth are involved in the juvenile justice system for minor offenses or status offenses, something like cigarette smoking that is illegal open for people under a certain age. Thus, the media should be encouraged to portray justice-involved youth accurately, tell stories of youth involved for minor offenses, and, more importantly, illustrate the positive traits of disconnected and justice-involved youth.
Efforts to educate the public and the media may also help youth to avoid stereotyping themselves or their peers as delinquent, irredeemable or not capable of success; this could increase academic achievement, prevent or decrease delinquent behavior and improve chances of a successful rehabilitation. In fact, many participants discussed the need to change youth’s beliefs and attitudes about the juvenile justice system as well as their own abilities. For instance, a defense attorney felt that given the poverty, domestic abuse, sexual abuse and poor educational opportunities that surround vulnerable youth, they are likely to lack trust in the ability of the system to help them:

Why would they think anything is going to get any better? So it doesn't surprise me at all that the kids come in with the idea that this is all a waste of my time, none of this is gonna help me.

Thus, he emphasized the need to build personal relationships with youth so that youth can “own up to the idea that they can do better, that there's something in the system that might actually help.” Similarly, another defense attorney said that, “even if a teacher told you that you are special, you are gonna make it out, that would make a big difference,” while a service provider stressed the need to “restructure” the way that youth understand pathways to success and their own achievement. As discussed previously, fostering engagement in academics and community, increasing parent support for academic achievement and offering mentoring by former youthful offenders may help changes negative attitudes or increase self-esteem. What’s more, changing attitudes, improving self-efficacy and encouraging future orientation are, as a counselor explained, part of the court’s mission of rehabilitation:
I think the juvenile justice system is also designed to, again, change thought patterns and behaviors. That’s a period of time where you can be incarcerated but not with adults and hopefully if they stole a car or selling drugs, you can hopefully change that behavior now before you become an adult and the charges stick with you and they impact your ability to get a job and go to college.

In addition to describing the reality of life for disconnected and justice-involved youth, participants also suggested the need to inform stakeholders about juvenile justice terminology, processes and laws. Three of the six participants asked about laws, procedures or polices that need to be reformed said they did not know enough to feel comfortable answering. Certainly, if these participants feel uncomfortable determining the success and justice of, for instance, expanding access to juvenile records, it is unlikely that parents and community members can communicate the positive or negative impacts of policies and laws. Similarly, a defense attorney explained that parents often misunderstand his role, and believe that he is obligated to act based on their desires, not those of the child; misunderstanding has been supported by scientific research. He also said they do not understand confidentiality and are sometimes frustrated when he will not repeat to them what a child told him. Equally important, a service provider explained that because DC does not publish a youth recidivism, education or unemployment rate that she knows of, it is difficult for her to determine if the youth that participate in her mentoring program are, on average, more successful than youth in other programs or in no program. She said,

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What would be nice for us would be to have [the rates] broken down in different categories, like those who are committed to DYRS versus those who are not, those who are coming out of New Beginnings versus those who are not. So that we can compare our own successes and try to figure out what is it that works. And not just we as an organization, but we as service providers, can help find out which group exactly has the worst statistics.

Across groups, participants also felt that society and the juvenile justice system used reactive rather than proactive approaches. Certainly, support for proactive approaches may be limited by the multitude of other issues facing policymakers and the public, but it seems that informing the public about basic juvenile justice policies and practices, the difficulty of life as a justice-involved youth and the false aspects of stereotypes could increase public support for preventative measures. Likewise, it seems important to encourage public understanding of basic laws, procedures and policies relating to the juvenile justice system, especially those that have recently changed, in order to provide terminology and common understanding that allow researchers, policymakers and court personnel to engage community members in discussions of the juvenile justice system.

References


and Research, 121, 47-70.


