

# Sierra Health Foundation's Positive Youth Justice Initiative

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In December 2011, the Sierra Health Foundation board of directors approved a framework for a new youth development initiative. The framework built upon the foundation's recently concluded REACH Youth Development Program and incorporated findings and recommendations from the highly regarded *Healthy Youth/Healthy Regions* and *Renewing Juvenile Justice* reports released by the foundation earlier in the year.

Common among findings from each of these efforts was serious concern expressed for cohorts of young people who typically are at the margins of society and are more likely to experience disproportionately poor education, employment, social and, ultimately, health outcomes. These youth are likely to be of color, live in communities that have high rates of poverty, have experienced violence or other forms of trauma, often are engaged in systems such as child welfare and/or juvenile justice, and are more likely to attend alternative school settings.

The *Healthy Youth/Healthy Regions* and *Renewing Juvenile Justice* findings also supported an important lesson that emerged from the REACH Program: While inclusive youth development approaches are important, one of their shortcomings is the likelihood for young people most at risk for poor health, education and economic outcomes to be unengaged. In response to this information, the foundation pursued a course of inquiry that sought to combine on-the-ground experience and research to design a program for youth who have experienced documented neglect, abuse and/or trauma, have been formally involved in the child welfare system and who currently are engaged in the juvenile justice system. Often referred to as *crossover youth*, the initiative seeks to affect developmental paths — repeat criminal behavior, education failure, lack of employment experience, untreated trauma, social and familial disconnection — that have been shown to have negative long-term effects for this extraordinarily vulnerable population. Moreover, to ensure the initiative has as broad an impact as possible, the foundation endeavored to identify and include design elements that have the potential to benefit all children who come into contact with the juvenile justice system.

POSITIVE  
**YOUTH**  
**JUSTICE**  
INITIATIVE



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Programmatically, the initiative combines **positive youth development** with an innovative behavioral health approach known as **trauma-informed care**, and delivers both approaches using a service model known as **wraparound**. Operationally, it seeks to **remove systemic deficiencies and bias** that have for far too long exacerbated the over-representation of youth of color in county juvenile justice systems across the state. Numerous studies have shown that these systemic shortcomings – data collection, validated screening tools, assessment instruments – contribute to disproportionality and impede juvenile justice systems from meeting public safety and rehabilitative expectations.

The initiative seeks to set a new path for juvenile justice

in California by establishing a vanguard of select county systems and leaders to produce what noted researcher Jeffrey Butts and his colleagues describe as “Positive Youth Justice.” In seeking to foster this major shift in juvenile justice practice and policy, we balance the risk of falling short of expectations with the fortuitous opportunity to improve the health and life chances of one of California’s most vulnerable youth populations – youth with child welfare histories who are currently engaged in the juvenile justice system. Accordingly, this briefing paper describes the policy context in which the **Positive Youth Justice Initiative** will operate and presents the rationale for the targeted population and selected design elements.

## Rethinking Juvenile Justice: Supporting a New Path Forward

### The Policy Context

In January 2011, Gov. Jerry Brown proposed a significant shift in juvenile justice policy long called for by child and family advocates – closing all of the state’s youth prisons and shifting oversight for wards to the counties. The proposal eventually was revised, but the subsequent closure of one of the state’s four remaining youth facilities and the decline in the Division of Juvenile Justice (DJJ) population from a high of 10,000 in 1996 to less than 1,100 today signaled that the devolution of the state juvenile justice system was under way. As anticipated by many youth advocates, when the governor released his 2012 budget, he again proposed to close the DJJ.

Interestingly, the most significant example of state efforts to change its approach to criminal/delinquent behavior is the passage of AB 109, which devolved elements of the adult system from the state to counties. While state budget considerations were central to the bill’s passage, the idea of facilitating a radically different approach toward public safety was central to the bill’s design. AB 109 realigns elements of the adult correctional system along with short-term state

revenue to support the treatment of non-serious, non-sexual and non-violent offenders at the county level. Most relevant to the juvenile justice conversation is the fact that AB 109 provides evidence of broad-based public policy support for more rehabilitative and cost-effective approaches to treating offenders. As noted in the Public Policy Institute of California report on realignment, at the core of this policy change is funding flexibility to support the availability of employment and treatment-oriented services. (*Rethinking the State-Local Relationship: Corrections*. Public Policy Institute of California, 2011.)

While the shift in public policy toward adult corrections should not be interpreted as broad public support for “smart on crime” approaches, it does present a window of opportunity for advancing reform in the juvenile justice system. Another important and encouraging signal that significant reform may be possible is the emergence of a small but influential group of senior public safety officials, including several chief probation officers, who are committed to transforming their county’s approach to juvenile justice. These innovators and early adopters acknowledge that the status quo represents a poor use of public funds, as evidenced by its inability to produce positive outcomes for the youth it encounters. They

have become passionate and vocal proponents of change and, with support, could be instrumental in reshaping the administration of juvenile justice in California.

With regard to the Positive Youth Justice Initiative's approach, support for focusing on its target population can be found in the report, *Young Adult Outcomes of Youth Exiting Dependent or Delinquent Care in Los Angeles County* (Culhane D.P., Metraux, Stephen, et al, 2011). The path-setting report, funded by the Conrad Hilton Foundation, assessed adult outcomes for three cohorts of system youth: those who exit to care from child welfare, those in juvenile probation and crossover young adults with histories in both systems. While there was no good news for any of the cohorts, it was clear that youth who aged out of care with a child welfare and probation history did more poorly as adults than members of the other groups. In their summary of key findings, the authors state that "membership in the crossover group is a strong and consistent predictor of less desirable [adult] outcomes." Compared to the probation subgroup, system costs for the crossover group over a four-year period were 110% higher, they were far more likely to be heavy users of public services, to experience a jail stay and were 91% less likely to have high educational attainment. Crossover youth had the highest rates of inpatient and outpatient service use, and their rate of emergency department use was about double the rate of the probation and child welfare subgroups. With regard to the use of outpatient mental health treatment, crossover youth utilization rates were more than four times higher than the probation group.

A reasonable question arising out of our intention to focus on the crossover subgroup would be, "Why start with the most challenged group?" There are three reasons. First, the subgroup is small enough in most counties to be able to identify, treat and evaluate to determine the extent and ways the initiative impacts their development. This is important given the limited resources available. Second, a strong argument for extending the initiative to other populations could be made if the most challenged group derives benefits from the model. Third, in the report cited above, the 25% of youth who made the most extensive and expensive use of public services as adults – of which this group is very likely to be overrepresented –

accounted for 75% of the overall cost of public services used by all three groups. This fact raises important public policy considerations that could be used to provide additional support for change in this austere budget period.

## Positive Youth Justice Initiative

Below are descriptions of the four design elements that comprise Sierra Health Foundation's Positive Youth Justice Initiative.

### Design Element 1: Positive Youth Development

In the seminal youth development report, *Positive Youth Justice: Framing Justice Interventions Using the Concepts of Positive Youth Development*, the authors state, "There are abundant good reasons to help youth (both inside and outside of the court) to access and develop their pro-social strengths and attributes to increase their ability to contribute to healthy, safe family and community life." Unfortunately, as the report also states, positive youth development is not the dominant intervention framework in the juvenile justice system. (Jeffrey A. Butts, Gordon Bazemore and Aundra Saa Meroe, 2010. *Positive Youth Justice: Framing Justice Interventions Using the Concepts of Positive Youth Development*.) In fact, as documented in *Renewing Juvenile Justice*, local juvenile justice systems rely on a crumbling and dated probation-centric service model that prioritizes supervision and incarceration, rather than rehabilitation and community-based support. Research and data suggest this response is simply inadequate to meet the developmental needs of young people.

Shifting the juvenile justice field toward a positive youth development framework would apply a youth-as-resources lens, an approach tested in Sierra Health Foundation's REACH Program and a recommendation called for in the Healthy Youth/Healthy Regions study. This lens redefines youth within these systems and sends a clear message that all young people, even those engaged in juvenile justice systems, should be considered assets to their community and given every opportunity to be supported and meaningfully engaged. Reorienting juvenile justice systems to a youth-as-resource framework will help ensure the highest-needs youth are not denied access to appropriate community-based



Participants in the REACH Youth Media Project developed critical thinking, artistic and career skills, and built relationships with adult mentors. The media project was an opportunity provided through Sierra Health Foundation's REACH Youth Development Program.

developmental supports and opportunities that include the participation of family, community providers, faith leaders and others who have an interest in the child's health and well-being. This framework prioritizes local interventions that contribute to youths' developmental needs around education, workforce, healthy relationships and community/civic engagement, rather than the current approach, which attempts to "...control, punish, treat, supervise and incapacitate youth..." (*Youth Development: Issues, Challenges and Directions*. Public/Private Ventures, 2000.)

Taken from the aforementioned *Positive Youth Justice* report, the framework on page 5 states the primary intervention is focused on meeting a young person's needs for skill development, attachment, engagement and pro-social behavior.

While the proposed Positive Youth Justice framework acknowledges the need for an array of community-based supports for youth and that one size does not fit all, it also recognizes that limits to service delivery need to be in place to ensure efficiency and cost effectiveness. We, therefore, include a tested model for expanding individuation within large systems – wraparound services – as a component of the overall initiative design, discussed later in this paper.

### **Design Element 2: Trauma-Informed Care**

Significant research on the effects of trauma on youth and its impact on youth involvement in both the juvenile and criminal justice systems shows that identifying children who have

experienced trauma is either being done inappropriately or not as often as necessary. This may be leaving many of these young people without the services and treatment they need, thus making them more at risk for future involvement in the justice system. (*Healing Invisible Wounds: Why Investing in Trauma-Informed Care for Children Makes Sense*. Justice Policy Institute, 2010.)

Many of the nation's most traumatized youth are found in the juvenile justice system, and a large percentage of adults in the criminal justice system report having experienced trauma in childhood. Illegal behavior is not an inevitable consequence of childhood trauma; however, based on the diverse range of traumatic exposure observed among youth in the juvenile justice system, trauma can be considered a specific risk factor for future involvement with the justice system (Shaffer, J.N., Ruback, R.B. *Violent Victimization as a Risk Factor for Violent Offending Among Juveniles*. *Juvenile Justice Bulletin*, December 2002, Washington, D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.) Moreover, one of the most unfortunate repercussions of childhood trauma is that children exposed to violence often grow up to engage in or become repeat victims of violence. People who experience childhood trauma are more likely to be arrested for serious crimes both as youth and adults. (Craig, C.D., et al. 2007, Neigh, G.N., Gillespie, C.F., Nemeroff, C.B. *The Neurobiological Toll of Child Abuse and Neglect*. *Trauma, Violence and Abuse*, 2009, 10: 389.)



### ASSUMPTIONS

#### Youth as Victim

#### Youth as Villain

#### Youth as Resource

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

*Positive Youth Justice: Framing Justice Interventions Using the Concepts of Positive Youth Development*

A number of other studies have examined the relationship between childhood trauma and justice involvement.

- Kilpatrick, D.G. 2003; Sprague, C. 2008; Maschi, T.: *Unraveling the Link between Trauma and Male Delinquency: The Cumulative Versus Differential Risk Perspectives*. Social Work, 2006. This report found that between 75% and 93% of youth entering the juvenile justice system annually are estimated to have experienced some degree of traumatic victimization.
- Abram, K.M., Teplin, L.A., Charles, D.R., Longworth, S.L., McClelland, G.M., Dulcan, M.K. *Posttraumatic stress disorder and trauma in youth in juvenile detention*. Archives of General Psychiatry, 2004, 61: 403-410. This study of children held in a Chicago detention center found that more than half of them had experienced more than six traumatic events prior to their detainment.
- Stouthamer-Loeber, M., Wei, E.H., Homish, D.L., Loeber, R. *Which family and demographic factors are related to both maltreatment and persistent serious juvenile delinquency?* Children's Services: Social Policy, Research, and Practice, 2002, 5: 261-272. Lemmon, J.H. *How child maltreatment affects dimensions of juvenile delinquency in a cohort of low-income urban youths*. Justice Quarterly, 1999, 16: 357-376. These two studies reviewed the link between childhood maltreatment and juvenile justice involvement and

found that among urban males who experienced maltreatment prior to 12 years of age, 50% to 79% became involved in serious juvenile delinquency.

Nationally, there is a growing awareness of the negative effects childhood trauma has on the disproportionate involvement of youth in the justice system. In 2000, Congress established the National Child Traumatic Stress Network and funded the Substance Abuse and Mental Health Services Administration of the U.S. Department of Health and Human Services to create a network of stakeholders to raise the standard of care and improve access to services for children who have experienced trauma, their families and communities throughout the United States. In California, several foundations are exploring the effects of trauma on high-need youth, though none have yet to design an effort to test the impact of this treatment method. As stated in the Justice Policy Institute report referenced earlier, "...although there is growing recognition of the far-reaching effects of childhood trauma ... a unified push for trauma-informed juvenile justice systems in states has yet to occur."

It is also important to acknowledge there are differences in the traumatic events that young men and young women experience prior to entering the juvenile justice system. One study cited by the Prison Law Office states justice-involved girls experience sexual and physical abuse at 200 to 300 times that of the national population, 93% had experienced



Therapeutic session in the Center on Juvenile and Criminal Justice's WRAP program. WRAP utilizes Wraparound and EPSDT funds to provide youth with a continuum of care following them through reentry.

physical or sexual abuse, 63% had experienced both, and 76% had experienced at least one act of sexual abuse before turning 13 (Smith, Leve, & Chamberlain, 2006, 350). According to a June 2007 brief developed by the National Center for Mental Health and Juvenile Justice, "While boys more often report witnessing violence, girls more frequently report experiencing violence."

Federal juvenile justice policy recognizes the developmental differences and treatment needs of justice-involved young men and women, and requires states to analyze and report on gender-specific services for the prevention and treatment of juvenile delinquency, including services for young women. Unfortunately, in California there is a glaring gap in girl-specific programming. A 2006 report from the California Administrative Office of the Court found that girls' programs are the least frequently available programs in the state, with less than 40% of all counties offering girl-specific programming. Consequently, girls entering the juvenile justice system often are placed in programs that were designed for boys and do not fully meet the developmental needs of girls.

As communities look to incorporate gender-responsive, trauma-informed care into local reform efforts, training, technical assistance and financial resources will be needed to incorporate this lens into jurisdictional practice and treatment. Without it, we will fail to address the root cause of why a young person enters the juvenile justice system

and greatly reduce the likelihood of that young person developing into a healthy, productive adult.

### **Design Element 3: Wraparound Service Delivery**

Since its early days as a new approach for serving challenging children and families, wraparound has been described as a philosophy, an approach and a service. More recently, wraparound has been conceived of as an intensive, individualized care planning and management process. It aims to achieve positive outcomes by providing a structured and individualized team planning process that results in plans that are more effective and more relevant to the child, family and community by being more holistic than traditional care plans. Through the team-based planning and implementation process, wraparound aims to develop the problem-solving skills, coping skills and self-efficacy of young people and family members. As importantly, there is an emphasis on integrating the youth into the community and building the individual's and family's social support network. Finally, the wraparound process should be strengths-based, including activities that purposefully help the child and family to recognize, utilize and build talents, assets and positive capacities, as well as opportunities to contribute those assets (National Wraparound Initiative, Portland State University).

Wraparound also represents a philosophy and value base that distinguishes it from more traditional approaches by emphasizing an ecological model, including consideration of the multiple systems in which the youth and family are involved, and the multiple community and informal supports that must be mobilized to successfully support the youth and family in their community and home. (Bruns, E. J., Walker, J. S., Zabel, M., Matarese, M., Estep, K., Harburger, D., Mosby, M., & Pires, S. A., 2010. *Intervening in the lives of youth with complex behavioral health challenges and their families: The role of the wraparound process*. American Journal of Community Psychology, 46(3-4), 314-31.)

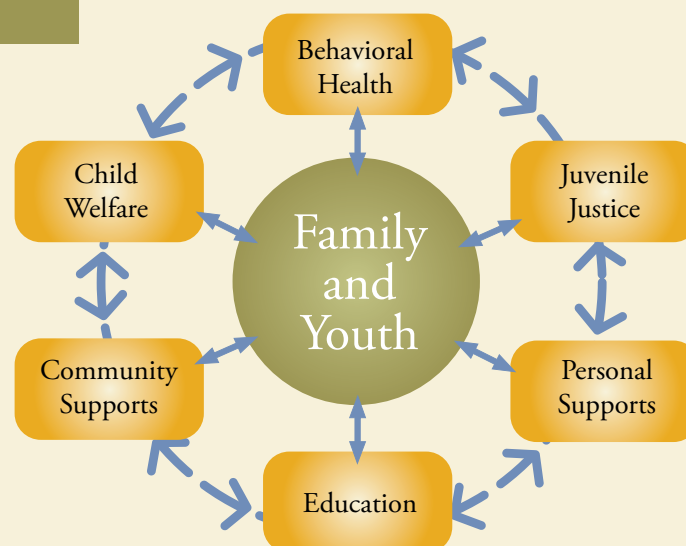
As outlined in *Renewing Juvenile Justice*, including wraparound as a design element will help to ensure children are not only served in a more comprehensive and coordinated manner, but also in the least restrictive environment necessary. It also preserves one of the most common lessons that has emerged from multiple studies on system-engaged youth: Maintaining, establishing and sustaining relationships between system-engaged youth and their biological or adoptive family members is key to long-term success. This inclusive service model, which seeks to “wrap” youth and families with the full complement of services and culturally responsive community support they need, provides a potent catalyst for merging more specific interventions like trauma-informed care and youth development.

#### Design Element 4: Improved Operational Capacity

In conjunction with the innovative blending of trauma-informed care, youth development and wraparound service delivery, the Positive Youth Justice Initiative proposes to advance juvenile justice system policy and operational practice. In numerous case studies on management practice and organizational psychology, there are seemingly unlimited stories of good ideas failing due to poor implementation. To minimize this, we propose to strengthen the local infrastructure upon which the initiative will operate to afford it the best chance possible for success. Accordingly, we plan to support participating counties to:

- Design and implement uniform data collection and reporting systems throughout the continuum of their juvenile justice system. (Data-Driven Practice)
- Develop and implement validated screening and assessment tools to assess and to more accurately identify youths’ developmental service needs. (Evidence-Based Practice)
- Promote culture change within participating juvenile justice systems to normalize behaviors and set expectations required to sustain efforts that address disproportionate rates of minority contact and support the building of healthy, supportive and inclusive relationships with youth, their families and communities. (Cultural/Institutional Practice)

## WRAPAROUND



### Positive Youth Justice Initiative Implementation

As in past initiatives, Sierra Health Foundation has worked to strike a balance between being overly prescriptive and being overly vague with respect to design and implementation expectations of selected counties. Based on this experience, we plan to provide participant counties with resources to facilitate a one-year planning process. The approach allows flexibility and positions the counties to take advantage of local opportunities and respond to unique challenges, with the understanding that completed plans will describe how all four elements will be implemented. During this period, technical assistance in areas such as trauma care and response, data collection and use, disproportionate minority contact, and screening and assessment will be provided. Following the planning process, sites that meet yet-to-be-developed benchmarks will be awarded multi-year implementation grants.

### Evaluation

Sierra Health Foundation will conduct an evaluation to review and document outcomes and lessons learned at each site. The evaluation will be participatory and developmental in its design, providing access to data at regular intervals throughout the program. This will allow mid-course corrections to occur and provide selected sites with information to support their success.

If evaluation data shows promising outcomes by year three, Sierra Health Foundation will consider extending the initiative for an additional two years.

### Conclusion

Through an innovative combination of practice and operational components, the proposed design builds upon Sierra Health Foundation's recent youth development program and research to produce the Positive Youth Justice Initiative. This braiding together of four distinct, yet interdependent, design elements forms the basis of the initiative's thesis: Juvenile justice systems can better meet their public safety and rehabilitative goals by ensuring their most vulnerable youth achieve the behavioral and physical/mental health, academic and pro-social outcomes associated with healthy transitions to adulthood. This will be done by incorporating the use of data and evidence-based practices that treat the effects of trauma, promote positive youth development and deliver services in a holistic manner.

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