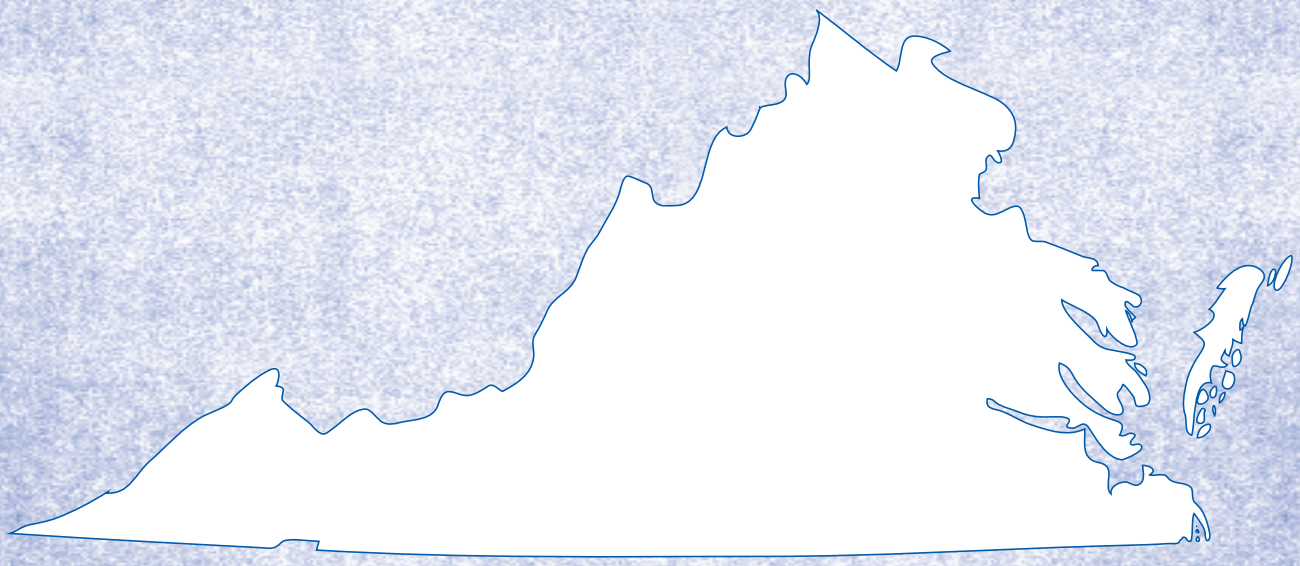
# Blueprints for Change: Criminal Justice Policy Issues in Virginia



## Ensuring Public Safety through Successful Reentry Policies for Youth

Virginia Department of Criminal Justice Services
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# BLUEPRINTS FOR CHANGE: CRIMINAL JUSTICE POLICY ISSUES IN VIRGINIA

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The Department of Criminal Justice Services (DCJS) is the state criminal justice planning agency for Virginia. As part of its many responsibilities, the Department administers state and federal funds dedicated to improving state and local criminal justice practices, preventing crime and delinquency, and ensuring services to crime victims.

In its role as a planning agency, the Department initiated its *Blueprints for Change* series in 2006 to bring executive-level participants together for a facilitated exploration of leading criminal justice issues. Participants for these sessions are chosen for their knowledge of the issue at hand and their ability to advance the discussion of public policy related to the issue.

The discussions occurring in these sessions, and the recommendations which emerge, are recorded in published papers. DCJS hopes that these papers will stimulate further discussion by state and local decision makers and provide useful guidance for substantive statutory changes where necessary, as well as for decisions on funding, policies, and program development.

In July, 2010, three sessions were convened as part of the *Blueprints* series:

- Ensuring Public Safety through Successful Prisoner Reentry Policies
- Ensuring Public Safety through Successful Reentry Policies for Youth
- Gangs in Virginia: Status and Solutions

All *Blueprints* papers are available on the DCJS website at www.dcjs.virginia.gov/blueprints.

# BLUEPRINTS FOR CHANGE
# Ensuring Public Safety through Successful Reentry Policies for Youth

## INTRODUCTION

In recent years, researchers and policy makers have been turning their attention to reducing recidivism through effective reentry efforts designed to improve an offender's transition from incarceration to the community. Most of the work has centered on the adult inmate population, though increased attention is focusing on the youth released from juvenile correctional and detention facilities. Effective reentry is viewed as critical to stemming high rates of juvenile recidivism. In addition to recidivism, there are other long-term social concerns associated with these youth, as delinquent youth are "seven times more likely to have a history of unemployment and welfare dependence as an adult, and they are more likely to be divorced and to bear children outside of marriage" as their non-delinquent peers. (Chung, et al, 2005)

Youth reentering the community face many of the same challenges as adults, such as educational and employment barriers, financial and transportation needs, housing, and establishing or reestablishing pro-social relationships. These challenges are often complicated by struggling families, poverty and high-crime neighborhoods, a lack of natural supports, and a significant portion of a young life spent in out-of-home placements. When discussing youth or juvenile reentry, one must recognize that the conversation is typically not about young children, but about those who are in their mid-teens to early-twenties. For example, in Virginia youth can be held in a juvenile correctional center until they are 21 and 90% of releases in FY2007 were age 16 or older. Besides issues associated with transitioning from confinement to the community, these youth face the developmental transition from adolescence to young adulthood. Youth reentry therefore needs to include provisions that both "...set the stage for the impending transition to adulthood" and prepare those who enter this transitional phase of life with the needed requisite skills and for "law abiding community living". (Altschuler in Osgood, et al, 2005)

Released youth "typically lack the psychosocial maturity necessary to develop autonomy and the skills necessary to obtain jobs and have meaningful relationships." (Mears and Travis, 2004) Though the research on youth reentry and its effects on recidivism is quite limited, there is a growing body of literature which challenges policy makers to recognize the significant role of psychosocial development in understanding and improving the reentry process for young people on all levels and in all areas.

### Juvenile Recidivism in Virginia

Each year in Virginia, hundreds of juveniles are returned to the community after serving sentences in juvenile correctional centers and detention facilities. The Department of Juvenile Justice (DJJ) reports 799 releases from juvenile correctional centers and 375 releases from post-dispositional detention in FY2009. The overall average length of stay for juveniles in state facilities was 15.2 months. This varied greatly between juveniles with indeterminate commitments (12.63 months) and juveniles with determinate commitments (31.41 months). Post-dispositional detention stays averaged 4.5 months.[1]

DJJ utilizes reconviction as the official measure of recidivism and reports rates in incremental stages based on the length of time from release to arrest for the commitment of the new offense (reoffense). Reconviction

[1] Virginia Department of Juvenile Justice, Data Resource Guide FY2009, pp 21, 153, and 161.

rates are reported in 3, 6, 12, 24, and 36 month increments.[2] An examination of releases from juvenile correctional centers in FY2005 revealed that almost 39% were convicted of a new offense occurring within 12 months of release. With each period that DJJ reported for this cohort, the reconviction rate increased, reaching 72% by the 36 month point between release and reoffense.

## From Adolescence to Adulthood — Psychosocial Development

The cognitive capacity, maturity, and psychosocial context of youth differs considerably from adults and continues developing well into early adulthood. The process of moving from adolescence to adulthood, and attaining psychosocial maturity, is a gradual one which includes the mastery of skills and competence that permit successful participation in the workforce and independent living, the ability to establish interpersonal relationships (including intimate relationships), the ability to behave responsibly toward the larger community, and the ability to set and achieve personal goals. (Mears and Travis, 2004; Steinburg, 2004) Critical to the development of psychosocial maturity, and the successful assumption of adult roles, are the involvement of supportive adults and opportunities to acquire life skills.

The development of justice-involved youth lags behind their non-delinquent peers. Some of this lag may pre-date their confinement and continue on or become more significant, such as issues associated with education and skill development or unstable family relationships. Other developmental milestones are interrupted because of confinement. Included among these are the attainment of independent living skills and the development of pro-social and romantic relationships. The result is that committed juveniles are among the most developmentally delayed youth. (Altschuler, et al, 2004, 2009). Successful reentry efforts and programs reflect a youth development perspective that provides "...experiences and activities that promote positive development, recognizing that different youth are at different stages of development. Programs should focus on developing capabilities that are associated with successful transitions to adulthood." (Mears and Travis, 2004)

## Education

The literature on youth involved in the justice system paints a bleak picture in regard to their education. These youth are usually years behind in educational achievement, and have extensive histories of school disruption and disciplinary problems. They often have complex educational needs and are less likely to receive adequate educational services. Research demonstrates that youth in the justice system are identified as eligible for special education services at three to seven times the rate of other children. (Leon and Weinberg, 2010) Youth returning to communities from confinement have the opportunity to reenroll in public education. It is important that the reenrollment process allow for placement into appropriate school settings, and provide support for these youth once enrolled.

For the older population exiting juvenile correctional centers or detention facilities, the prospects for further education are greatly diminished. By the time much of the population exits, they are no longer bound by compulsory school requirements and, due to developmental and educational history issues, may not fully understand the importance of continued education. Some who have worked towards a diploma while confined may be unable to complete their requirements when released because they are no longer eligible for public school services. For those who have obtained a diploma or G.E.D., higher education may not be an option due to financial or other constraints, including restrictions on loan eligibility or the availability of supports which make continued education possible.

[2] DJJ reports three different measures of re-offense: rearrest, reconviction, and reincarceration. For official purposes, DJJ uses the following definition for recidivism: "A recidivist is a person who is found by a court to have committed, after being (a) placed on probation or (b) released from confinement, a delinquent or criminal act other than violation of probation or parole. (See DJJ administrative directive 07-710; also, p180 of the *Data Resource Guide FY2009*.) The official measure is percentage of those who are reconvicted of a misdemeanor or a felony based on an arrest made within a particular time frame of being released from a juvenile correctional facility.

## Employment

Research demonstrates that those reentering the community who are able to maintain employment have reduced rates of recidivism. Employment provides income, as well as social and community connections which are necessary components of successful reentry. Offenders, both young and old, face significant barriers to employment upon release from confinement. These barriers include, among other things, criminal histories, education and skill deficits, housing instability, and mental health and substance abuse treatment issues. For those under post-release supervision, the various conditions and reporting requirements often pose additional barriers to employment. Age and a lack of education, experience, proper identification, and positive community networks further inhibit youth employment following confinement.

Skill deficits extend beyond technical skills that may be required for the job into developmental issues which have inhibited the formation of "soft" skills including: communication and interpersonal skills, ability and willingness to learn, attention to detail, and reliability. A study of employers regarding the hiring of ex-offenders revealed that employers rated non-technical ("soft") skills most important in the selection process. Employers rated the completion of a transitional employment program after release, general work readiness training, and specific job skills training as having the most positive impact on hiring. (Fahey, et al, 2006)

## Community and Family

Families and communities are essential supports for any young person. They provide financial, emotional, and networking supports that help youth transition to successful adulthood and independent living. For youth returning from juvenile correctional centers or detention facilities, these supports are critical. Yet, many of these youth have spent significant portions of their lives in out-of-home placements, resulting in few, if any, stable relationships. Though some may return to a home with supports, others may not be welcomed back, or their families may lack the skills and resources necessary to help facilitate the youth's reentry and meet their ongoing developmental needs. Others are considered legal adults and may not have a family relationship, community, or supports to draw upon. Adding to the instability of family situations, many of these youth come from, and return to, disadvantaged and socially disorganized neighborhoods which increase the risk of recidivism. (Kurbin, 2006)

Increasing family structure and cohesion, parental supervision and discipline skills, and familial affection and communication are family interventions which promote successful reentry. (Zimmerman, et al, 2004) As in foster care, permanency planning is an issue for many youth involved in the justice system. This is true for both the younger population as well as the older population which has reached legal adulthood.

Communities can serve as a central resource for assisting youth in the reentry process and leveraging local resources. Juvenile reentry is greatly enhanced when the youth are connected to community-based resources and delivery systems. (Harris, 2006) Building and maintaining long-term partnerships with community and faith-based organizations takes effort and the willingness of all parties to address the barriers which traditionally have impeded successful working partnerships.

## Systems Collaboration and Continuity of Care

The lack of systematic aftercare services, including a continuity of care, across multiple agencies and institutions is one of the most prominent challenges to successful reentry. (Altschuler and Armstrong, 2004; Mears and Travis, 2004) Not only do the various agencies have differing purposes and processes but, within the juvenile justice system, institutions and community corrections function independently with different staffs, operational procedures, and capacities.

Continuity of care includes control, the range of services, program and service content, social environment, and attachment. Youth returning to the community face various challenges in regard to treatment, care, supervision, and other services including education and skills development. The change from a highly

structured environment in which all things are readily available and scheduled can often be abrupt and disorienting. The services they received in the facility, or were targeted in treatment or reentry plans, may not be available in the community to which they return, or may be drastically different. The providers of the services also change and assessments used to measure progress may differ.

Linking to services can be difficult. Assistance may be available through post-release supervision agencies; however, that eventually ends and could therefore create yet another break in the continuity of care. Many of these youth must rely on family members to make the appropriate connections to treatment or services, provide emotional and financial support to the child throughout the treatment process, and ensure that the child is transported to and from appointments. For those youth from highly dysfunctional and disconnected families, this will be difficult to achieve. For those who are older when released from a juvenile facility, they may not have the needed family supports. Many also face the challenge of aging out of youth systems into adult systems which may not provide the level of service needed. These young people are also likely to lack the developmental skills necessary to make their own connections to treatment and services.

## POLICY/RESEARCH QUESTIONS

In order to stimulate thought, participants in *Blueprints for Change* sessions are provided with various policy questions prior to the meeting date. The questions serve as a basis for the facilitated discussion, which is limited to three-hours. Results may range from a consensus perspective or suggestions for broad topics to specific conclusions and recommendations for more narrowly defined topics.

The following questions were sent to participants of the session *Ensuring Public Safety through Successful Reentry Policies for Youth:*

- Many of the barriers that exist for those reentering the community from the justice system are based on public perception and fear. Others are based on legitimate needs, such as the need for information. Some barriers are more visible, such as laws and policies, and others are less evident, such as the social stigma and labeling that attaches to one with a prior criminal record. How do we balance public safety and the need for criminal history information with the need to create a reentry environment that allows youth to move forward with education and employment options that will improve their likelihood of success?
- How can we engage family, community and other support systems to facilitate and support the psycho-social development of youth while they are incarcerated and upon their return to the community?
- How can we best prepare youth, educationally and in development of employability skills, to assist in their transition to the community?
- What must be done to ensure that treatment services--physical health, mental health, and substance abuse--follow the youth from commitment into the community?

## DISCUSSION

Leaders from twenty-one different agencies and organizations, representing various programmatic and policy perspectives, participated in the *Blueprints for Change* session on *Ensuring Public Safety through Successful Reentry Policies for Youth.* The topic of youth reentry is a broad one that has only begun to be addressed in policy forums. Participants therefore had a wide range of concerns and ideas to share. Two themes emerged when participants were asked to identify what they thought was missing in regard to reentry policies for youth in Virginia: 1) continuity of care through comprehensive reentry planning and services; and 2) family and community involvement. The following is a summary of the resulting discussion.

**Continuity of Care through Comprehensive Reentry Planning and Services**

Comprehensive reentry planning and services ensure a continuity of care for juvenile offenders. It should begin with the juvenile's first system contact, continue through confinement, and then link to services in the community. This can be time consuming and difficult to achieve, but it is critical to a youth's successful reentry.

It is important that planning and services be specific for the *individual*, identifying and addressing those barriers faced by the particular juvenile, including those within the family and community to which the juvenile will return. For example, some youth may return to communities which do not have a broad selection of services, whereas others return to resource-rich communities. These differences will impact treatment plans, educational and employment plans, living situations, and other support services from which to draw upon. To ensure a continuity of care, plans must account for what is available in the particular community to which the juvenile returns. As one participant stated, "You have to deal with community you *have*, not the one you *want*."

Various concerns exist regarding the continuity of education, including planning and options. Realistic plans should be developed which address what the youth needs and can accomplish within the facility and following release. There appears to be a tendency to steer incarcerated youth towards a GED, rather than a diploma. This could be a barrier for youth, as there is significant value in a diploma over a GED and employers prefer it. Youth should be steered in the direction of a diploma if it can realistically be attained. However, care should also be taken not to put a youth on a diploma track that cannot be completed. If a diploma cannot be attained following release due to certain circumstances (such as age and local school district practice), then it would be better to put that youth on a GED track. Post-secondary education should also be considered when developing plans.

Though the Department of Education, in consultation with other agencies, has developed and issued regulations on reenrollment planning, local school districts have authority over the placement of youth returning from custody back to their system. This creates differences throughout the state for youth reenrolling in public education. Many high schools are not interested in taking youth back after they have been in a correctional facility. Youth held only pre-dispositionally are also being required to enter into alternative placements before returning to school in some communities.

Older youth exiting juvenile correctional facilities face significant barriers which have been largely overlooked in reentry conversations. Ensuring a continuity of care for older youth is particularly difficult. Youth who reach the age of 18 while in custody "age out" of many community-based services and opportunities. Besides reducing the availability of services, this presents an inequity in services for foster care youth. Foster care youth are provided with various services past the age of 18. However, if a foster care youth exits a juvenile correctional facility after reaching age 18, he or she is not entitled to the same services. Complicating reentry planning further, older youth being released from a juvenile correctional facility may be assigned to adult probation and parole, which is overseen by another state agency with vastly different policies and procedures governing what happens prior to, and following, release from a facility.

Information specific to the released population, including demographics, mental health and substance abuse service needs, post-release education, and post-release employment is necessary for reentry planning purposes at the community level. A clear picture of the volume and particular needs of returning youth would enable the state and local agencies responsible for providing the services to develop appropriate plans, without detracting from others in the community who also need services.

**Family and Community Involvement**

Family and community involvement plays an integral part in a youth's successful reentry from detention or a juvenile correctional facility. Parental involvement is a critical need. Parents should be viewed as partners and steps should be taken to ensure that parents maintain contact with their children while they

are confined. Unfortunately, ties with families are often severed for youth who are in juvenile correctional facilities. According to representatives from DJJ, some of the youth in juvenile correctional facilities never receive visitors. Logistics, family history, and relief at having the child out of the home are some reasons why parents may not visit.

The distance between local communities and juvenile correctional facilities impacts family visitation and creates barriers to maintaining family and community involvement. The distance prohibits the development of relationships with individuals and organizations which foster successful reentry. Policies, such as those for visitation and furlough, further inhibit relationship building.

Unfortunately, there are very few options available for transitioning youth back into the community. A gradual transition back to the community can help bridge many of the education and treatment issues which emerge in continuity of care discussions. Budget cuts in recent years have reduced the availability of group homes which would allow a youth to transition back into his or her community gradually. At one time, DJJ worked with local detention facilities to provide a reentry option, however, that too ended due to budget cuts.

## CONCLUSIONS/RECOMMENDATIONS

Participants offered several suggestions to address issues raised during the discussion:

- Begin reentry planning for juveniles when they first enter a correctional facility rather than just prior to release.
- Ensure that the educational plan for each youth is realistic, is in his/her best interest, and accounts for the long-term educational goals of the youth.
- Develop mentoring programs designed to keep juveniles connected with their communities and assist in the transition back to the community. This would include recruiting mentors from the localities where the youth will go upon release and developing visitation programs that permit the mentors to meet with the youth.
- Reestablish the program utilizing detention facilities as a transition point back into the communities. This would provide greater opportunities for youth to interact with local services and their communities. This could also help foster a better continuity of services and individualized planning. This is not viewed as the ideal transitional facility option for youth, however, there are open detention beds that could be used immediately.
- Develop visitation options, such as furloughs, which allow youth to connect to their communities.
- Develop a public relations campaign to increase community awareness and local ownership of juveniles reentering communities. Ideas include: sharing individual success stories; using employers to speak to other employers about their successes; showing the cost/benefit of getting involved and intervening with youth; exploring studies that may have been conducted by the military on their experiences with similar youth.
- Ensure that youth are involved in advising the system on what is working and what is not working from their perspective.
- Expand non-traditional education settings.
- Invest in prevention.

The suggested recommendations from this short *Blueprints* session represent only a small start to the complex and larger reentry policy discussions regarding juveniles which must occur should Virginia wish to curb recidivism among this population.

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