How Should We Define Outcomes in Juvenile Justice Reentry?

Topic

State and local juvenile justice systems are made up of many different government agencies,[i] each with their own core policy objectives, administrative considerations related to case disposition, and outcome measures of success.[ii] Furthermore, in the juvenile justice context youth may be simultaneously involved with courts, education, probation, child welfare, and other agencies that have dramatically different outcomes, progress measures, and case management procedures.[iii]

Often, outcomes-driven juvenile justice policy and administration focuses primarily on "risk factors" for recidivism, and other predictors (e.g., substance use, antisocial behavior, past trauma) that overemphasize the negative aspects of a youth's life, and the relationship of those negative aspects to future criminal offending.[iv] While widely-used screening assessments like COMPAS and YASI also claim to emphasize and identify strengths-based "needs" and "protective" factors for youth, these screening tools are primarily *predictive* in nature.[v] Predicting outcomes is not the same as measuring outcomes after they happen. The use of such screeners provides more limited information about the potential for success than is possible through agency-level, long-term *outcomes* for youth.

> *"There is an overemphasis sometimes on recidivism…[but recidivism] as a unitary construct, really doesn't tell you much about how that youth is doing, or how that family is doing. If we are focusing just on recidivism, let's say that a youth is going into a program after being arrested, whether it's diversion or post adjudication [e.g., substance abuse or family-based services]…we really need to think holistically about outcomes."* – Prof. Kendell Coker

While prioritizing the prevention of future justice involvement is indeed critical, this fact sheet discusses the need for juvenile justice agencies to incorporate more positive indicators of community adjustment. The successes and failures of a program can focus on milestones, rather than on "binary" measures such as re-arrest. A shortcoming of "binary" outcome measures is that they think only in terms of "yes" and "no." For example: did the youth reoffend? Did the youth complete a court-mandated program? Yes or no. There is little opportunity to assess youth growth or progress in such measures. Examples of positive indicators that go beyond binary, risk-based assessments might include:

- Measures of youth self-efficacy (their belief in their ability to meet goals);

- Measures of youth self-determination (their ability to make decisions about their own lives);

- Progress measures related to education, employment, family life, and more;

- Program-related short-term outcomes (e.g., peer mentoring, restorative circles, etc.).

Some justice-system practitioners might feel that such measures are outside the scope of their core mission and caseload management. This is where the need for justice system agencies to coordinate services and supports with other youth-serving agencies comes in. For example, coordination can occur between juvenile justice agencies and other agencies such as education, foster care, developmental disabilities, mental health, vocational rehabilitation agencies, and more. For this reason, formal agreements for data and information sharing across agencies can be essential—both for viewing youth outcomes holistically, and for coordination of care. If successes are shared across agencies, juvenile justice practitioners have more information available to assess positive outcomes from interagency referrals.

Relevance of Topic to System-Involved Youth with Disabilities

Youth with disabilities are significantly overrepresented in juvenile justice, and can face unique challenges related to a lack of accommodations, lack of cultural competency among system staff, educational disruptions, and preexisting trauma that is exacerbated by justice interactions. These considerations can make it even harder for youth to achieve long-term outcomes and transition out of the juvenile justice system.

For justice-involved youth generally, and justice-involved youth with disabilities in particular, the context in which a youth committed a criminal offense leading to arrest is rarely as simple as crime-and-punishment. These youth are still growing socially, developmentally, and cognitively, while also being exposed to structural disadvantages (e.g., poverty, systemic racism, lack of school supports and resources, and even the systemic harm caused to families and communities by mass incarceration). To develop this discussion, let's next consider another outcome measure that is often significant for justice-involved youth and young adults with disabilities: employment.

Employment is another example of an outcome measure that is often used in some way by justice agencies (e.g., probation)—but without the proper focus on youth milestones, development, and growth. Employment is a significant factor in decreasing the likelihood of recidivism,[vi] but again challenges can exist when systems think of employment only with an emphasis on short-term, binary frameworks (i.e., whether a youth or young adult is employed or unemployed at some point after re-entry). Such thinking around employment can lead to programmatic goals that fail to adequately consider youth development and progression towards sustainable, self-directed, and lifelong outcomes.

This is particularly true for justice-involved youth and young adults with disabilities, who may experience a more complicated path to employment because of educational and employment skills gaps that are exacerbated by justice involvement.[vii] Instead of relying primarily on coarse measures of employed/unemployed, juvenile justice agencies might use more specific milestone measures related to employment, such as:

- Soft skills development;

- Goal development;

- Person-centered transition planning;

- Career and technical training pursuits.

Again, this can be accomplished through greater coordination with, and referral to, other systems, such as vocational rehabilitation and workforce development agencies and community-based organizations that already directly provide services tailored to such short-term outcomes.

> *"It would be great if we could start doing a better job of figuring out what are some of those soft skills that make [youth] have greater self-efficacy in their ability to find employment, even if the employment does not come…it's almost like an increased confidence that 'you know what, I feel pretty good about myself because I can do these things,' which then gives them a greater sense of hope." – Prof. Kendell Coker*

Recommendations for Creating Systems Change

Promising new reentry models at the local level account for the ways in which systems can hinder success, and youth diversion efforts can collaborate with community partners to provide comprehensive services that consider the whole person.[viii] One finding from the New York State Y-ReCONNECTS Juvenile Justice Reentry Community of Practice is that there is a genuine interest among local juvenile justice agencies to include indicators of positive youth development and community adjustment that go beyond state-mandated measures of recidivism, risk, and case disposition.[ix]

For example, one Y-ReCONNECTS county team noted that successful outcomes should include whether a youth is "engaged in work [or] education, lives in a supportive environment, demonstrates prosocial behaviors."[x] Another county team mentioned the importance of youth "maintain[ing] a self-directed life." Another noted the importance of "connecting [youth] with positive mentors, appropriate school program[s]…and vocational training."[xi]

How can state and local governments ensure that these types of outcomes and indicators are better reflected in case management objectives? What steps are needed to ensure that local agencies are equipped with the tools to more holistically measure milestones and progress? One place to start is by identifying validated, strengths-based, and long-term outcome measures of success to implement at state and local levels, and moving away from frameworks that over-emphasize risk-based assessments.

Learn More: Matthew Saleh and LaWanda Cook, "Serving Justice-Involved Youth with Disabilities," available here.

Presenter Information:

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[i] *See, e.g.,* New York State Division of Criminal Justice Services, *General Frequently Asked Questions* (n.d.), https://www.criminaljustice.ny.gov/opca/general_faq.htm ("Probation officers in New York State work directly for one of 57 county probation departments or the City of New York. Each county department administers probation within its own jurisdiction. Each county and the City of New York have a municipal civil service agency that administers the civil service exams for the probation officer title."); New York State Unified Court System, *Town and Village Courts* (n.d.), https://www.nycourts.gov/courts/townandvillage/ ("Many New Yorkers will have their first and only court experience in one of the almost 1,200 locally-funded Justice Courts located throughout New York State."); New York State Office of Children and Family Services, Division of Juvenile Justice and Opportunities for Youth, *Juvenile Justice and Opportunities for Youth* (n.d.), https://ocfs.ny.gov/programs/rehab/ ("The Bureau of Behavioral Health Services is responsible for building relationships with community-based treatment agencies and for fostering these agencies' understanding of the treatment needs of youth and families DJJOY serves.").

[ii] *See, e.g.,* New York State Division of Criminal Justice Services, *Office of Probation and Correctional Alternatives* (n.d.) ("OPCA is committed to improving practices that promote public safety, ensure offender accountability, provide restitution to victims and reduce recidivism. OPCA provides the tools necessary to enable local jurisdictions to make the best use of their staff and programs.").

[iii] *Compare, e.g.,* Orbis Partners, Inc*., Long-Term Validation of the Youth Assessment and Screening Instrument (YASI) in New York State Juvenile Probation*, submitted to the New York State Division of Probation and Correctional Alternatives (Nov. 2007) (Describing New York State's use of the Youth Assessment and Screening Instrument [YASI] pre-screen and full-screen assessment across risk and protective domains, including: basic needs, physical health, school, family, aggression, peers, attitudes, free time, and adaptive skills); *with* New York State, Division of Criminal Justice Services, Probation Population in New York State 2019, https://bit.ly/3AfDZpB (2020) (describing state probation outcomes is including: [a] Maximum Expiration; [b] Revoked-Technical Violation; [c] Revoked-New Conviction; [d] Early Discharge Due to New Conviction; [e] Referred for Further Court Action; [f] Other).

[iv] *See, e.g.,* Office of Juvenile Justice and Delinquency Prevention, *Risk Factors for Delinquency, Model Programs Guide Literature Review* (2015).

[v] *See* Orbis Partners, YASI: The Youth Assessment and Screening Instrument (n.d.), https://www.orbispartners.com/juvenile-risk-assessment; New York State Department of Corrections and Supervision, *Directive: COMPAS Assessments/Case Plan* (2019), https://doccs.ny.gov/system/files/documents/2020/11/8500.pdf.

[vi] Visher, C. A., Lattimore, P. K., Barrick, K., & Tueller, S. (2017). Evaluating the long-term effects of prisoner reentry services on recidivism: What types of services matter? *Justice Quarterly, 34*(1), 136—165, http://dx.doi.org/10.1080/07418825.2015.1115539.

[vii] Youth.gov, Employment considerations for youth with disabilities (n.d.), https://youth.gov/youth-topics/youth-employment/employment-considerations-for-youth-with-disabilities.

viii *See, e.g.,* GrowingChange, *Our Youth Service Model* (n.d.), https://www.growingchange.org/wp-content/uploads/2015/02/Youth-Service-Summary_05FEB2015.pdf ("Older youth now mentor younger recruits as they attend group therapy, grow food for needy families, build compost bins, tend to their beehives, launch their own businesses, speak at universities and train adults around the state…youth now connect historical trauma of their people to their personal trauma even connecting how their current behavior continues or breaks those cycles.").

ix Y-ReCONNECTS, *Analysis of Self-Assessment Survey for County-Level Teams* (2022).

x Ibid.

xi Ibid.