

Emerging Developments in the Neuroscience of Juvenile Certification

Friday, November 12, 2021

Hosted by:

St. Louis Regional Organization for Child & Adolescent Psychiatry - STL ROCAP
& Missouri Appleseed

8:00 am – 8:05 am | Welcome

8:05 am – 9:00 am | Desiree Baumgartner, M.D.

Juvenile Justice in Missouri

Dr. Baumgartner is an assistant professor in Saint Louis University's Department of Psychiatry. She is a board-certified child and adolescent psychiatrist who specializes in forensic psychiatry. She has worked closely with children in foster care and the juvenile justice system.

This lecture is an overview of the development of the juvenile justice system in Missouri; it reviews the origins of the system and key legal changes from 1900 to the present. The talk explores areas of historic inequality in Missouri's juvenile courts.

9:00 am – 9:30 am | Katelyn Young, J.D.

Certification Hearings

Katelyn Young graduated with a Bachelor's degree from the University of Missouri School of Journalism. Prior to law school, she taught middle and high school social studies in South Carolina with Teach for America. After graduating from the George Washington University Law School in 2019, she returned to Missouri to be a public defender with the Missouri State Public Defender Children's Defense Team.

This session will focus on the certification process that allows Missouri juveniles to be transferred to adult court. It will examine the challenges juveniles facing certification experience and what can be done to reduce the likelihood a child will be certified.

9:30 am – 10:15 am | Fred Rottnek, M.D.

Substance Use in Adolescents

Dr. Rottnek is a Professor, the Director of Community Medicine, and the Program Director of the Addiction Medicine Fellowship at Saint Louis University (SLU) School of Medicine. His clinical practices include addiction medicine and correctional healthcare. He teaches in the School of Medicine, the Center for Interprofessional Education and Research, and the School of Law. Board-Certified in Family Medicine and Addiction Medicine, he is the Medical Director for the Assisted Recovery Centers of American (ARCA). He serves on the boards of the Saint Louis Regional Health Commission, the ARCHway Institute, and Alive and Well Communities.

10:15 am - 10:30 am | Break

10:30 am - 11:30 am | Eraka Bath, M.D.

Racism in the Juvenile Justice System

Eraka Bath, M.D., is a child, adolescent and forensic psychiatrist who is an Associate Professor in the Division of Child and Adolescent Psychiatry and the Vice Chair for Justice, Equity, Diversity and Inclusion at the UCLA Neuropsychiatric Institute in the UCLA David Geffen School of Medicine (DGSOM). She has a long-standing interest in health inequities, community mental health, with particular interest in structural racism's impact on the underserved populations of foster care and juvenile justice involved youth. Dr. Bath specializes in diagnostic assessment and forensic consultation with adolescents, with an emphasis on high-risk youth, including those with histories of trauma, juvenile delinquency and foster care placement. Her research focuses on systems involved population in juvenile justice and child welfare systems.

11:30 am - 1:00 pm | Laurence Steinberg, Ph.D.

How the Science of Adolescent Brain Development Informs Legal Policy

Laurence Steinberg, Ph.D., one of the world's leading experts on adolescence, is a Distinguished Professor and the Laura H. Carnell Professor of Psychology at Temple University. Dr. Steinberg is the author of nearly 500 articles and essays on development during the teenage years.



St. Louis Regional Organization for
Child & Adolescent Psychiatry
STL ROCAP



MISSOURI
APPLESEED

MISSOURI'S JUVENILE COURT: A HISTORICAL PERSPECTIVE

DESIREE BAUMGARTNER, MD

DISCLOSURES

Advocacy and Collaboration Grant from the American Academy of Child & Adolescent Psychiatry

The American Academy of Child and Adolescent Psychiatry is a 501 non-profit professional association in the United States dedicated to facilitating psychiatric care for children and adolescents. The Academy is headquartered in Washington, D.C.

Founded: 1953

President: Gabrielle "Gabby" Carlson, M.D

Headquarters: Washington, D.C.

Business type: Professional association

Phone number: 202.966.7300

Aacap.org

OBJECTIVES

- Understand the origins of Missouri's juvenile court
- Name two landmark Supreme Court cases related to juvenile justice
- Identify several strengths of Missouri's juvenile justice system
- Identify areas of possible improvement in Missouri's system

A black and white photograph showing a group of children sitting on the ground in what appears to be a slum or a poor neighborhood. The children are dressed in simple, worn clothing. Some are looking towards the camera, while others are looking away. The background shows a rough, stone or brick wall and some debris on the ground. The overall scene conveys a sense of poverty and hardship.

THE 19TH CENTURY

ST. LOUIS HOUSE OF REFUGE

JOURNAL OF COMMITMENTS							TO THE HOUSE OF REFUGE.			
NAME OF CHILD	DATE OF COMMITMENT	BY WHOM COMMITTED	CAUSE OF COMMITMENT	DATE OF RELEASE			BY WHAT AUTHORITY RELEASED	WHAT DISPOSITION HAS BEEN MADE AFTER BEING RELEASED	REMARKS	
				Mo.	Da.	Yr.				
O'Brien Charles	16 Jan. 21 1857	Kayor Shaw	Incubating	Jan 9 1857			Board of Managers	Delivered to his Mother		
Goome Christopher	16 " 10 "	"	"	Feb 3 1858			"	Went with his App. father	Esc. April 1st 1857	
Simington Charles	11 " 12 "	"	"	Nov 4 " "			"	Delivered to his Father		
Kocher Adolph	7 " 14 "	"	Indicted	Nov 4 1857			"	Sent to orphan asylum		
Abow Saml	10 " 16 "	"	"	" " " "			"	"		
Acorn Geo H	" " 16 "	"	"	" " " "			"	"		
Lewis Susan	10 " 16 "	"	"	July 2 " "			"	Inductured to Henry A. Birch of Peck		
Lewis Susan	6 " 16 "	"	"	Nov 2 " "			"	Sent to Protestant orphan asylum		
Lewis Margaret	13 " 16 "	"	"	May 30 1859			Kayor Filley	Delivered to H. Birch of St. Louis		
Parot Sarah Ann	17 " 16 "	"	Prostitution	Aug 16 1858			Board of Managers	Delivered to Parents		
Smith Owen	11 " 26 "	"	Indicted	" " " "			"	Delivered to his Father		
Spans John	10 Feb 17 "	"	"	Nov 9 1859			"	Sent to work of B. Williams travel	Esc. Jan 1st 1857	
Reisler Saml	5 " 19 "	"	"	June 11 1858			"	Inductured to Geo. B. Apple of Coleraine		
Reisler Gustav	12 " " "	"	"	" " " "			"	"		
Grabert Charles	19 " 23 "	Criminal Court	Grand Larceny	July 3 1857			"	Delivered to his Friends	Esc. April 1st 1857	
Hannigan Morris	15 Nov 16 "	Recorder Cady	Prick	July 2 " "			"	Delivered to his Father	Escaped April 10/1857	
Smith John	17 April 3 "	Released after having stolen	Running away from his place	" " " "			"	"		
Knobloch Robert H	17 " 4 "	Recorder Cady	Larceny & Burglary	Nov 6 1857			Board of Managers	Was informed that he might go		
James A. organ	17 " 4 "	Recorder Cady	Larceny & Burglary	Aug 6 " "			Board of Managers	"	Jan Order of crim. Court	

St. Louis, Missouri, Journal of Commitments to the House of Refuge, 1854-1899, p. 12, City of St. Louis, Microfilm Department, 14 X, roll F-131, microfilm copy at St. Louis County Library

ACROSS
THE RIVER



JUVENILE COURT ESTABLISHED

The image shows a grand, ornate courtroom interior. The ceiling is high and vaulted, with intricate architectural details. Large stained glass windows are visible on the upper level. The main floor is filled with rows of wooden seats facing a judge's bench. The bench is elevated and features a red curtain backdrop. Two American flags are positioned on either side of the bench. The overall atmosphere is formal and historical.

- 1901: Probation Act
- 1903: Juvenile Courts Act

JUVENILE COURT EXPANDED

- 1911 Act
 - Counties with at least 50,000 inhabitants
 - Delinquent/dependent children under age 17
 - Allowed sentencing beyond age 21 for serious offenses
- 1917 Act
 - Applied to smaller counties
 - Also included children under age 17
 - Allowed transfer to criminal court



The purpose of the Act of 1911... pertaining to neglected and delinquent children, is not trial and punishment for crime, but the protection and support of neglected and delinquent children, and a proceeding under the act, the aim of which is the exertion of the State's power, as *parens patriae*, for the reformation of a child, and not his punishment under the criminal law, is not a criminal case, and the constitutional guaranties given defendants in criminal cases, such as indictment, counsel for accused, compulsory process for witnesses and a trial by jury, do not apply.

DELINQUENT

- A child “who violates any law of this state, or any city or village ordinance, or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons, or who is growing up in idleness or crime”
- A child “who is guilty of immoral conduct in any public place”
- A child who “loiters or sleeps in alleys, cellars, wagons, buildings, lots or other exposed places”

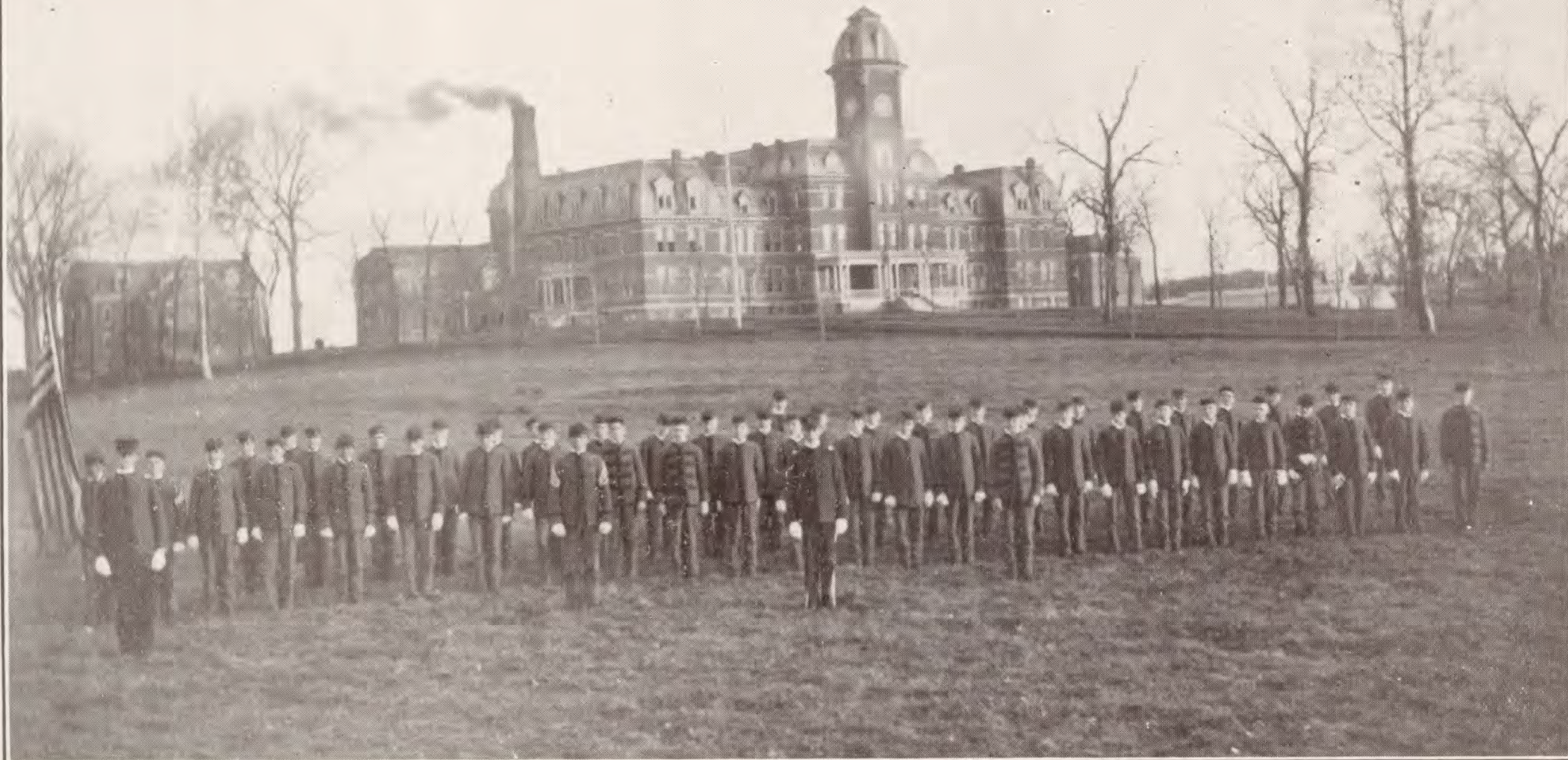


IN THE JUVENILE COURT

DISPOSITION

- Dismissal of case
- Payment of restitution or reparation to the victim
- Probation (with or without restitution)
- Placement in foster care
- Commitment to public or private institution

MISSOURI REFORM SCHOOL FOR BOYS



PUBLISHED BY SEYMOUR WIGELY, DRUGGIST, CHILLICOTHE, MO.

7242 INDUSTRIAL HOME FOR GIRLS,
CHILLICOTHE, MO.



STATE INDUSTRIAL HOME FOR NEGRO GIRLS



THE UNIFIED JUVENILE COURT ACT (1957)

- Status offenses versus delinquency
- Child in custody must be taken immediately to juvenile court
- Preference for children to remain home before their hearing
- Confidentiality of juvenile court proceedings and records
- Disposition
 - Home under supervision
 - Public or private institution
 - Foster care
 - Order physical/mental evaluation

IN RE GAULT (1967)

- Gerald Francis Gault (age 15) taken into custody June 8, 1964
- Mother and father were at work
- Hearing scheduled on June 9
- “Said minor is under the age of 18 years, and is in need of the protection of this Honorable Court; said minor is a delinquent minor.”
- Follow up hearing on June 15
- Judge committed Gerald to the State Industrial School until age 21



IN RE GAULT (1967)

- “Under our Constitution, the condition of being a boy does not justify a kangaroo court.”
- Adequate written notice to the child and parents/guardian
- Must advise child/parents of right to counsel
- Child has a constitutional privilege against self-incrimination
- Child has right to confront and cross-examine witnesses

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

- 1974
 - Deinstitutionalization of status offenders
 - Sight and sound separation
- 1980
 - Jail and lockup removal
- 1988
 - Disproportionate minority confinement





RIGHT TO
COUNSEL

I am for the child[®]

DETENTION CENTERS

- 1970s: Limited access in rural areas
- 1980 → 1982: MO added seven new youth detention centers
- 1986: MO achieved full compliance with 1974 Act
- 1990: Supreme Court set operational standards
- 1998: Juvenile Court Improvement Act



the
Missouri
approach

A revolutionary approach to
meaningful juvenile justice reform



JUVENILE JUSTICE REFORM ACT (1995)

- Juvenile transfer
- Dual sentencing
- Fingerprints & photographs
- Closed proceedings
- Closed records

ROPER V. SIMMONS (2005)

- Christopher Simmons (age 17) committed murder
- He was tried and sentenced to death
- *Atkins v. Virginia*
- Christopher filed for post-conviction relief
- Missouri Supreme Court ruled in Christopher's favor
- U.S. Supreme Court affirmed
 - Lack of maturity
 - Susceptibility to peer pressure
 - Character not fully established



JUVENILE COURT STRUCTURE

“State law grants an individual known as the juvenile officer the exclusive authority to determine which child welfare or delinquency cases to file. State law also grants juvenile court judges the authority to hire and supervise juvenile officers. Those same juvenile court judges then adjudicate the cases filed and prosecuted by the juvenile officer. That is, in Missouri juvenile courts the judicial branch prosecutes cases in front of itself.”

Josh Gupta-Kagan

Professor of Law at the University of South Carolina



SUPREME COURT OF MISSOURI
en banc

December 16, 2015
Effective April 1, 2016

Each presiding judge shall ensure that any case in the family court or juvenile court division in which a juvenile officer is a participant is not heard by a judge who is the appointing authority for the juvenile officer and/or other necessary juvenile employees.

ACCESS TO COUNSEL

- MO allows juveniles to waive right to counsel
- 1990 study of rates of counsel
 - Urban: 41.5% (Black juveniles) & 39% (white juveniles)
 - Rural: 1.1% (Black juveniles) & 11.5% (white juveniles)
- 2000 study of three MO circuits
 - Urban: 75% had counsel
 - Suburban: 25%
 - Rural: 18%



“JUSTICE RATIONED”

- 2013 report by National Juvenile Defender Center
- Found gaps in access to and quality of representation
- Recommendations:
 - Create juvenile division within MO public defender system
 - Reduce waiver of counsel
 - Allocate sufficient resources
 - Address the role of Deputy Juvenile Officer
 - Reduce youth in the adult system

[CIVIL RIGHTS](#)[CRIMINAL JUSTICE](#)[LEGISLATURE](#)

Missouri lawmakers passed a host of reforms aimed at keeping kids out of jail

Bills approved by the legislature would give kids access to therapy and ensure they have legal counsel

BY: **REBECCA RIVAS** - JUNE 14, 2021 5:55 AM



ST. LOUIS COUNTY

- Inadequate legal representation
- Insufficient determination of probable cause for alleged offense
- Lack of due process for juveniles facing transfer to adult court
- Guilty pleas not entered knowingly/voluntarily
- Organization contrary to separation of powers
- Disparate treatment of Black children

EQUAL PROTECTION FINDINGS

- Black children 1.46x more likely to have cases handled formally
- 2.5x more likely to be held in pretrial custody
- 2.86x more likely to be committed to DYS after probation violations
- 2.74x more likely to be placed in DYS after adjudication



RAISE THE AGE **SB 793**

Passed by

MO LEGISLATURE



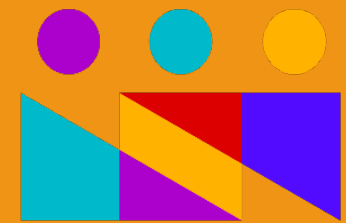
2021
START

THANK YOU



Certification of Children

Katelyn Young



Children's
Defense
Team

Missouri State Public Defender System

What is certification?

- Juvenile court dismisses the petition and the child's case may be transferred to the court of general jurisdiction and prosecuted under the general law (i.e. adult court)

Who can be certified?

- A child between the ages of 12 and 18,
- Who is alleged to have committed a delinquent act that would be a felony if they were an adult, and
- A motion is made by the court, juvenile officer or the child's custodian to transfer the child's case to adult court

Mandatory Certification Hearing

- Murder 1st
- Murder 2nd
- Assault 1st
- Forcible Rape/Rape 1st
- Forcible Sodomy/Sodomy 1st
- Robbery 1st
- Distribution of Drugs/Manufacturing of a Controlled Substance
- TWO OR MORE PRIOR UNRELATED OFFENSES WHICH WOULD BE FELONIES IF COMMITTED BY AN ADULT

At a Certification Hearing:

- Judge has to decide whether to keep the child in juvenile court or allow him/her to be prosecuted as an adult.
- The inquiry is “whether the child is a proper subject to be dealt with under” the juvenile code and “whether there are reasonable prospects of rehabilitation within the juvenile justice system” (RSMO 211.071.6)

Certification Factors

- (1) The seriousness of the offense alleged and whether the protection of the community requires transfer to the court of general jurisdiction;
- (2) Whether the offense alleged involved viciousness, force and violence;
- (3) Whether the offense alleged was against persons or property with greater weight being given to the offense against persons, especially if personal injury resulted;
- (4) Whether the offense alleged is a part of a repetitive pattern of offenses which indicates that the child may be beyond rehabilitation under the juvenile code;
- (5) The record and history of the child, including experience with the juvenile justice system, other courts, supervision, commitments to juvenile institutions and other placements;

Certification Factors

- (6) The sophistication and maturity of the child as determined by consideration of his home and environmental situation, emotional condition and pattern of living;
- (7) The age of the child;
- (8) The program and facilities available to the juvenile court in considering disposition;
- (9) Whether or not the child can benefit from the treatment or rehabilitative programs available to the juvenile court; and
- (10) Racial disparity in certification.

Fighting Certification

- Call mitigation witnesses
 - Teachers, coaches, pastors, mentors, detention staff
 - Family -> People who can talk about trauma child has experienced
- Hire **adolescent brain science expert**
 - Evaluate client
 - Explain differences between juveniles and adults to judge (brain functioning, propensity for growth, etc.)
 - Explain trauma & impact of adverse childhood experiences
 - Apply certification factors

Because the brain is not fully formed, neither
is the character of the person

Katelyn Young
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katelyn.young@mspd.mo.gov



Prevention, Treatment, and Recovery Support for Adolescents in St. Louis in 2020

Fred Rottnek, MD, MAHCM

Emerging Developments in the
Neuroscience of Juvenile Certification

August 11, 2020



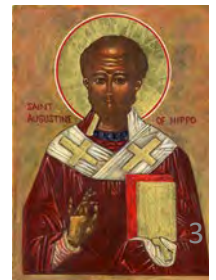
Fred Rottnek, MD, MAHCM

- **Saint Louis University Department of Family and Community Medicine**
 - Director of Community Medicine
 - Program Director, Addiction Medicine Fellowship
 - Medical Director, Assisted Recovery Centers of America (ARCA)
 - Opioid State Targeted Response, Missouri Team
 - Consultant, CDC and NACCHO
- **Interprofessional University Appointments**
 - Center for Health Law Studies, School of Law
 - Doisy College of Health Sciences
- **Community Projects**
 - Saint Louis Regional Health Commission
 - Alive and Well Communities
 - The ARCHway Institute

As a result of participating in today's session

Participants will be able to:

- Discuss recent national and local trends in substance use disorders among youth;
- Describe the impact of substance use disorders on the developing brain chemistry and structure of youth;
- Use local and national resources to promote youth well-being; and
- Ask better questions about substance use with youth in the criminal justice system.

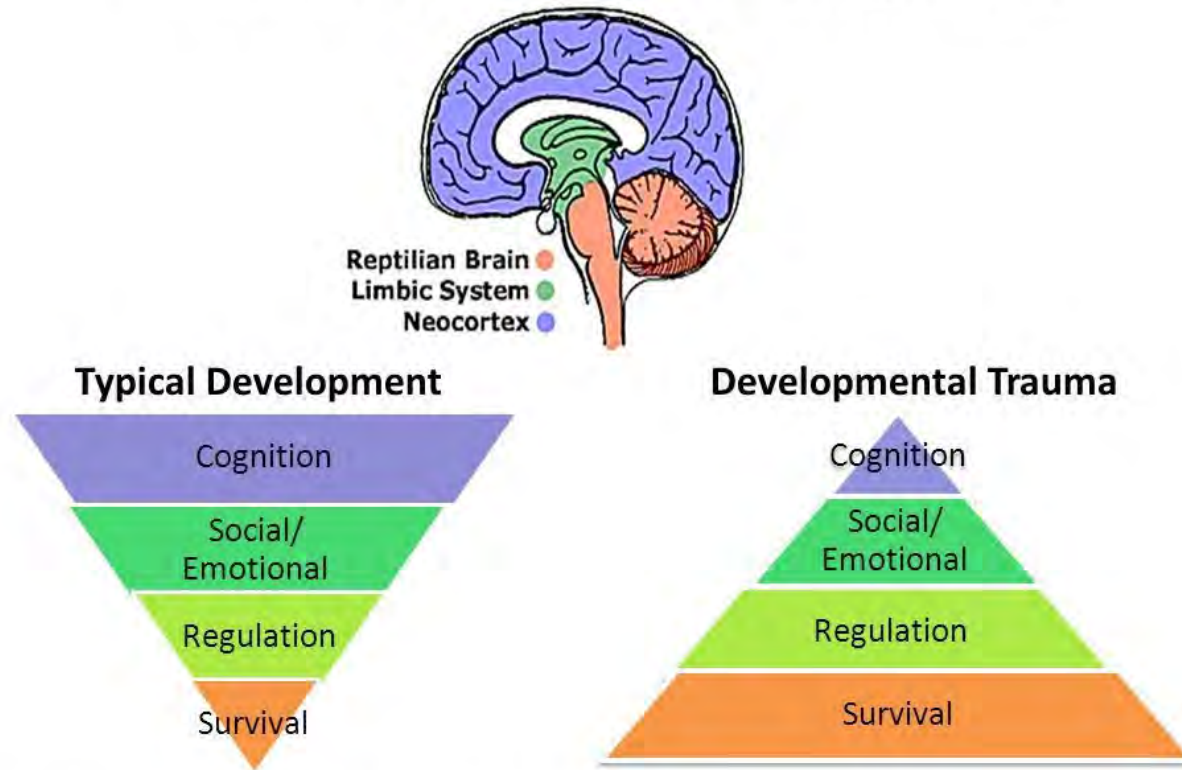


Disclosures

- I have no financial conflicts with materials discussed
- I will not be discussing off-label use of medications or medical devices

Brain chemistry simplified

Trauma & Brain Development



Adapted from Holt & Jordan, Ohio Dept. of Education

SUDs: National

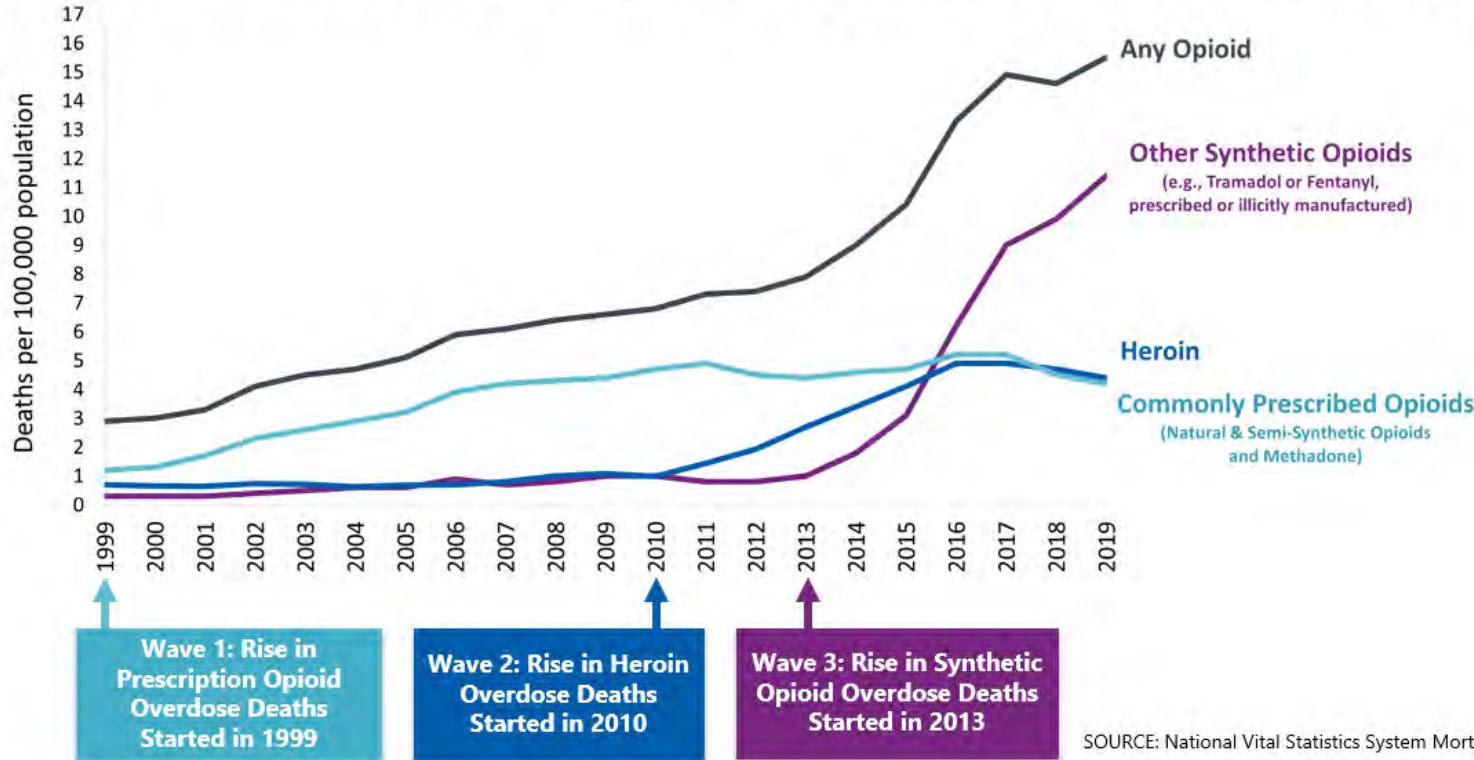


die every day from
an opioid overdose
(including Rx and illicit opioids).

<https://www.cdc.gov/opioids/basics/epidemic.html>

SUDs: National

Three Waves of the Rise in Opioid Overdose Deaths



Why are people dying each day?

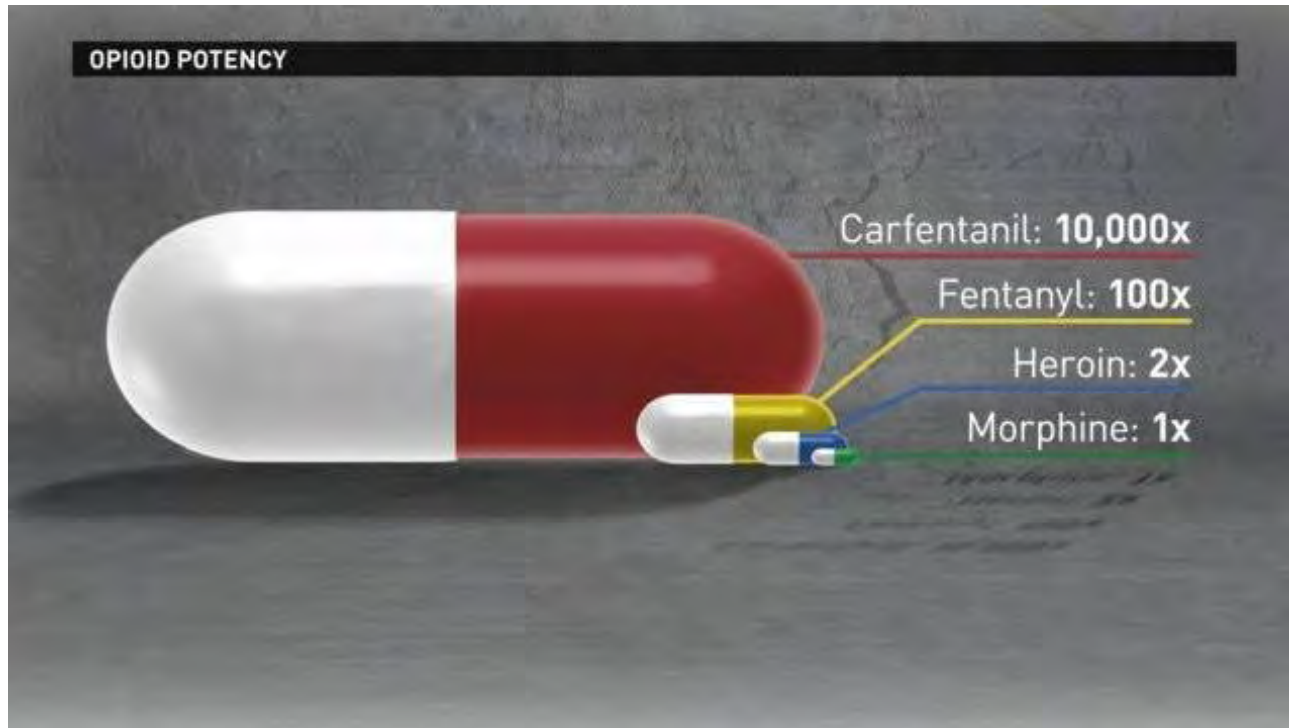
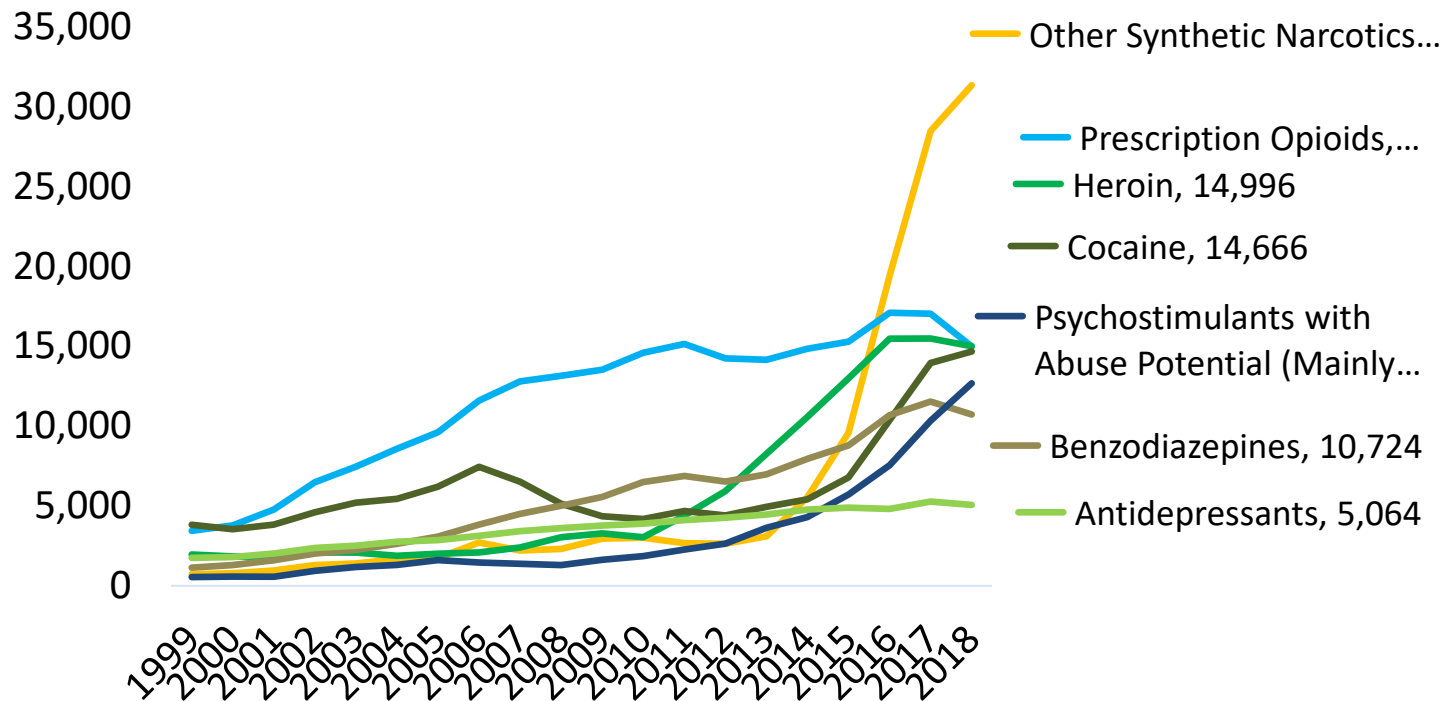


Figure 2. National Drug Overdose Deaths Number Among All Ages, 1999-2018

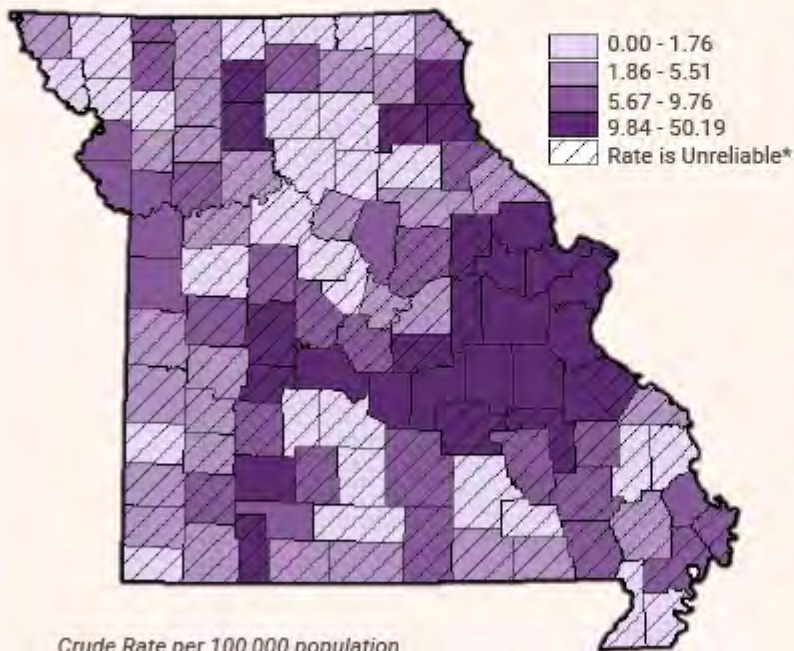


Source: Centers for Disease Control and Prevention, National Center for Health Statistics. Multiple Cause of Death 1999-2018 on CDC WONDER Online Database, released January, 2019



DEATHS DUE TO OPIOID OVERDOSES

2014 - 2018

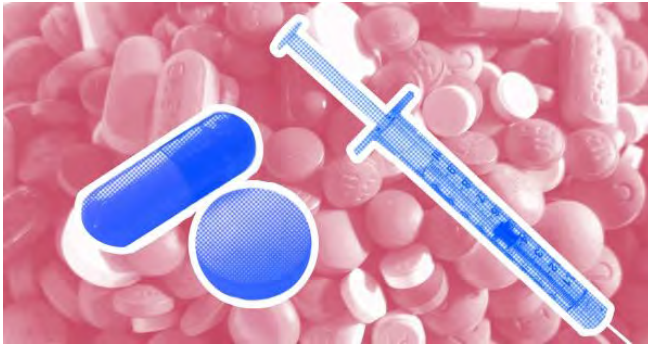
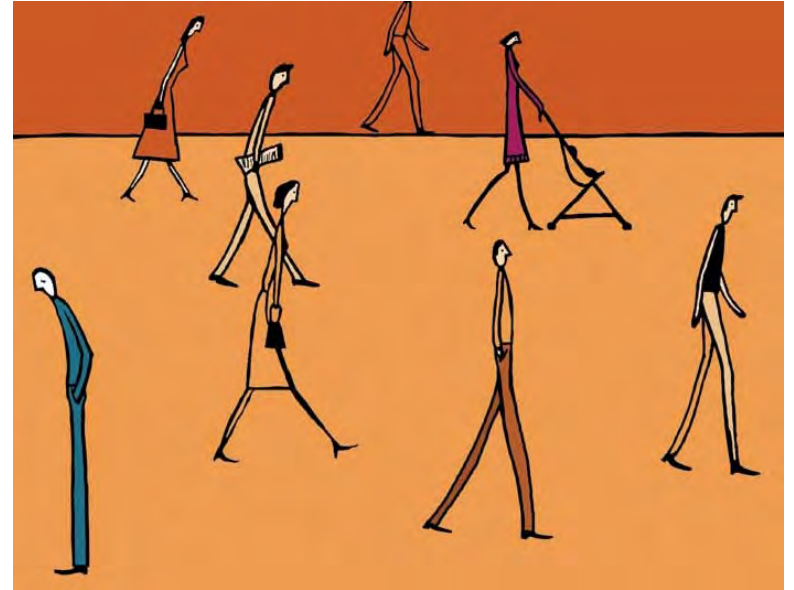
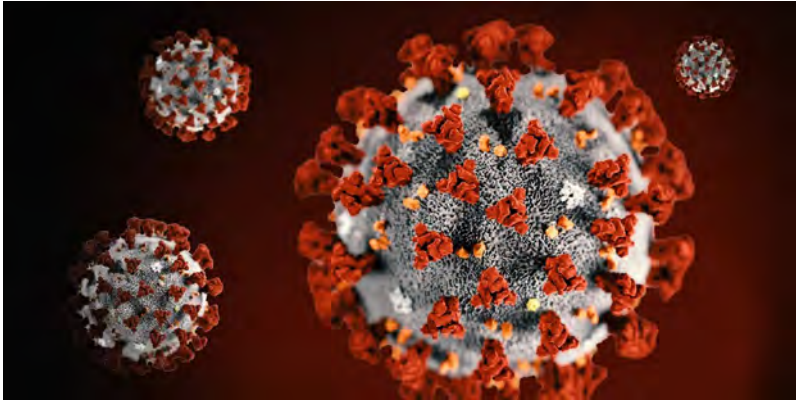


The majority of counties with high opioid-involved mortality rates are clustered around the St. Louis metropolitan region moving south and eastward, though some additional counties with high opioid-involved death rates can be found across the state. Missouri's metropolitan areas have consistently high rates of opioid-involved overdose mortality. It should be noted that many counties' death rates are based on fewer than 20 deaths and should be interpreted cautiously as mortality rates based on low counts can be unstable. Opioid-involved emergency room discharge rates follow a similar statewide distribution with the greatest rates in the St. Louis area.

Crude Rate per 100,000 population
*Numerator is less than 20

Source: Bureau of Health Care Analysis and Data Dissemination
Missouri Department of Health and Senior Services

What's new?

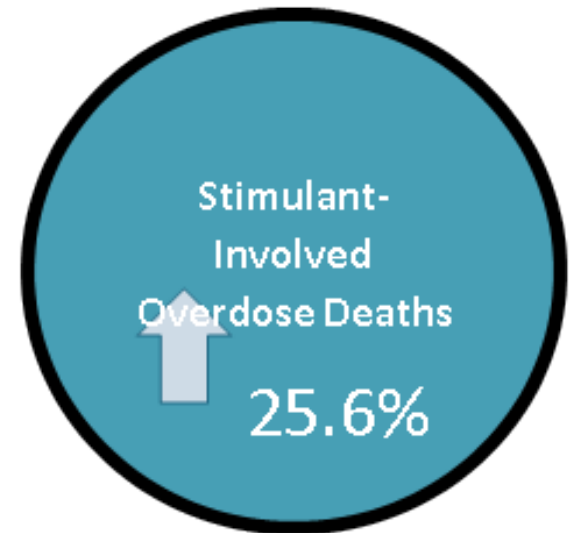
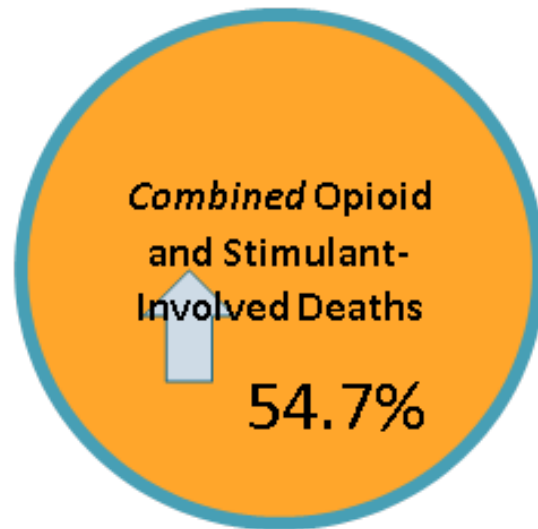
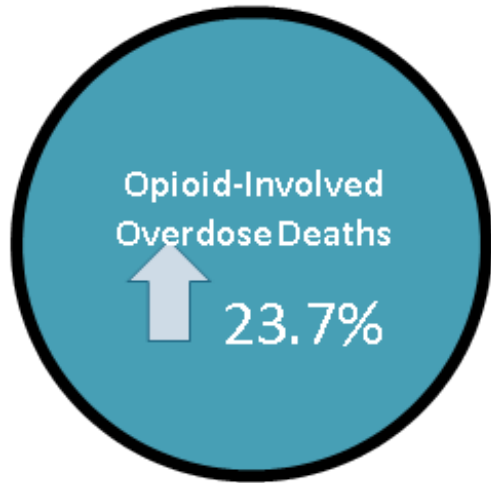


Missouri, COVID-19, and SUD's

Total Overdose Deaths			
Region	2019	2020	Change
	(N)	(N)	(%)
Central Region	145	179	23.4
Kansas City Metro	220	260	18.2
Northeastern Region	37	30	-18.9
Northwestern Region	25	37	48.0
Southeastern Region	102	133	30.4
Southwestern Region	180	194	7.8
St. Louis Metro	872	1005	15.3
Missouri Total	1581	1842	16.5

Source: MO Department of Health and Senior Services (DHSS)

Missouri, COVID-19, and SUD's



For more information please visit noM0deaths.org

	St. Louis County			St. Louis City			Overall (City & County)	Overall by Race
	January – July 2019	January – July 2020	Percent Change	January – July 2019	January – July 2020	Percent Change	Percent Change	
Total (All Races)	139	178	28%	121	165	36%	32%	
Black Female	10	25	150%	20	20	0%	50%	54%
Black Male	39	56	44%	47	78	66%	56%	
White Female	31	27	-13%	18	17	-6%	-10%	11%
White Male	57	68	19%	34	44	23%	23%	



**More than 95,000 people die
from excessive alcohol use
in the U.S. each year**

cdc.gov/alcohol



2019 Monitoring the Future Survey

Key Findings: Percent Reporting Use of Selected Substances

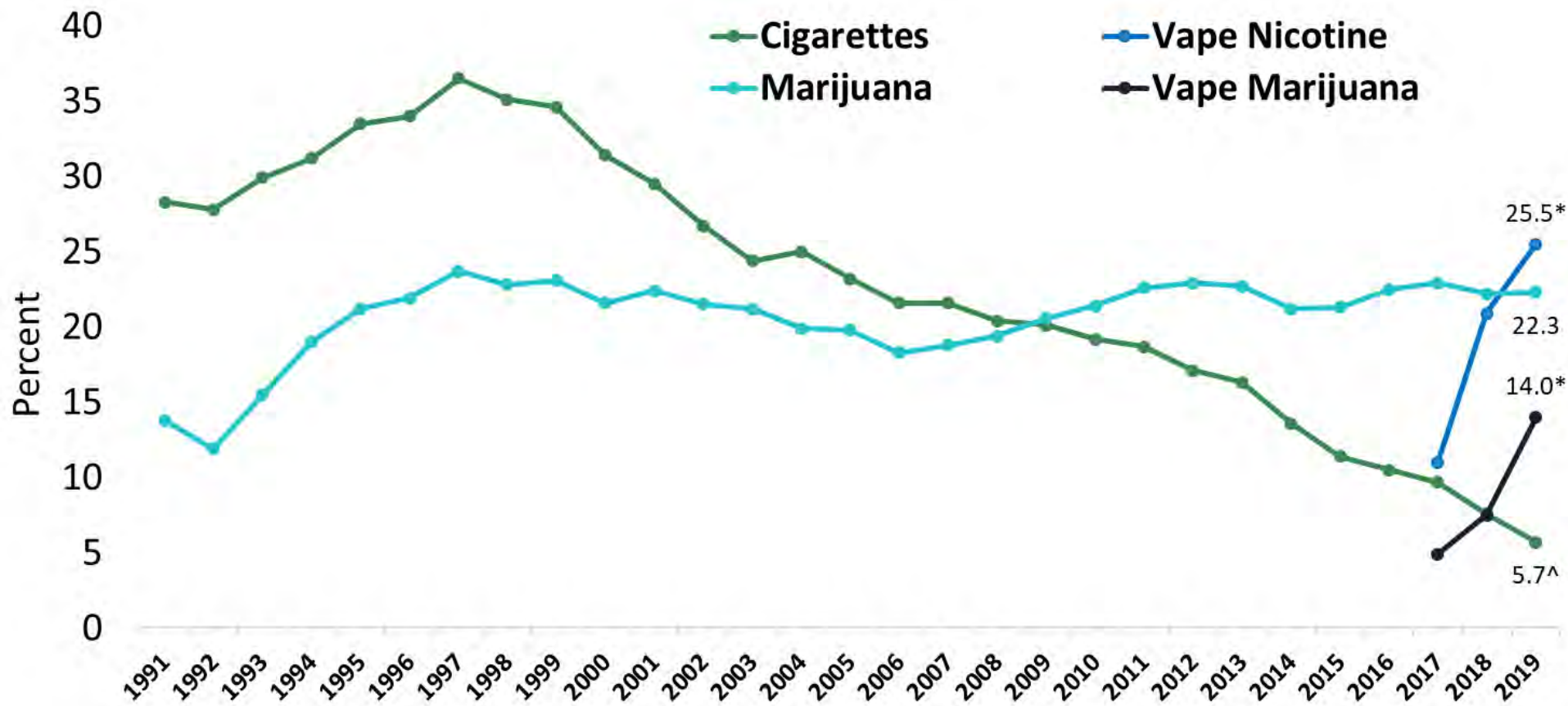
	8 th Grade	10 th Grade	12 th Grade		8 th Grade	10 th Grade	12 th Grade
Vaping, Any				Tobacco w/Hookah			
Past Year	20.1	35.7	40.6	Past Year			5.6
Past Month	12.2	25.0	30.9	Past Month	1.3	2.4	4.0
Vaping, Nicotine				Flavored Little Cigars			
Past Year	16.5	30.7	35.3	Past Month	2.2	3.7	7.7
Past Month	9.6	19.9	25.5	Narcotics Other than Heroin			
Vaping, Marijuana				Past Year			2.7
Past Year	7.0	19.4	20.8	Past Month			1.0
Past Month	3.9	12.6	14.0	Marijuana			
Vaping, Just Flavoring				Past Year	11.8	28.8	35.7
Past Year	14.7	20.8	20.3	Past Month	6.6	18.4	22.3
Past Month	7.7	10.5	10.7	Daily	1.3	4.8	6.4
Cigarettes				Alcohol			
Past Month	2.3	3.4	5.7	Past Month	7.9	18.4	29.3
Daily	0.8	1.3	2.4	Daily	0.2	0.6	1.7
½ Pack +/-Day	0.2	0.5	0.9	Binge	3.8	8.5	14.4

Change from 2018 to 2019

■ Significant Increase

■ Significant Decrease

Percent of Students Reporting Marijuana, Cigarette, Vape Use in Past Month, 12th Grade



*Significant increase or [^]significant decline compared to the 2018 MTF Survey.

3 Realms of ACEs

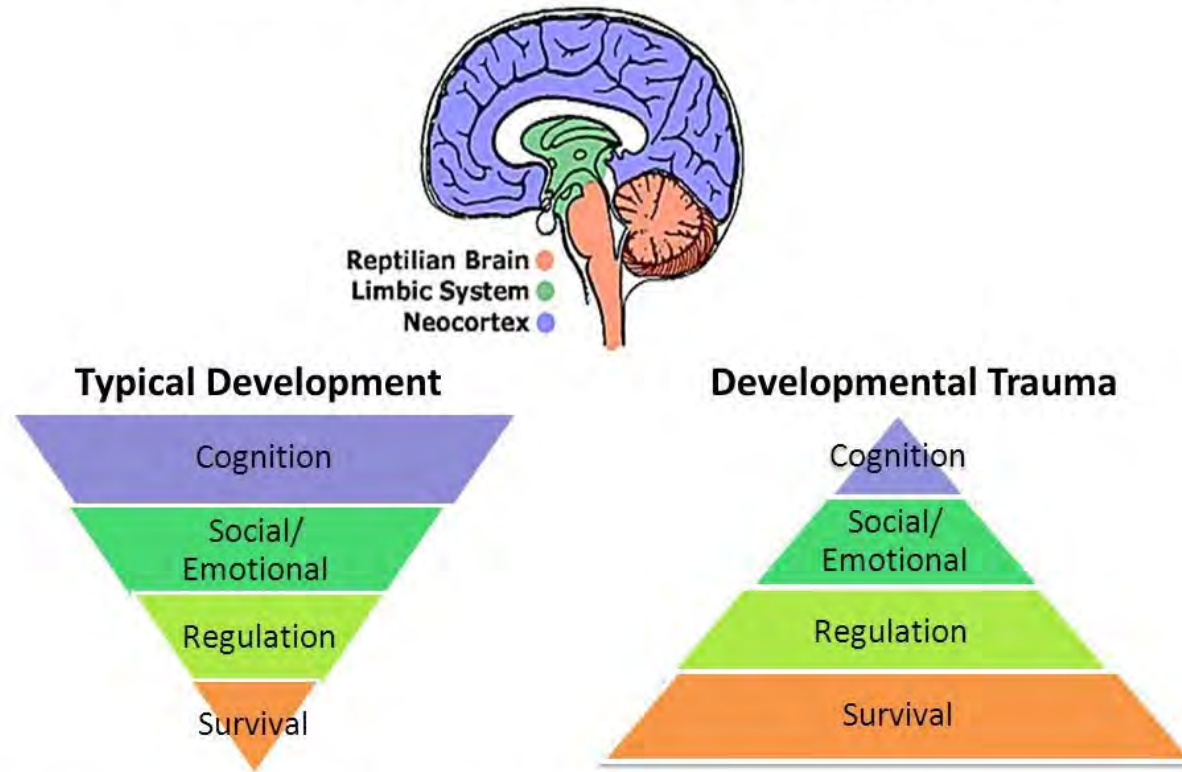
Adverse childhood and community experiences (ACEs) can occur in the household, the community, or in the environment and cause toxic stress. Left unaddressed, toxic stress from ACEs harms children and families, organizations, systems and communities, and reduces the ability of individuals and entities to respond to stressful events with resiliency. Research has shown that there are many ways to reduce and heal from toxic stress and build healthy, caring communities.



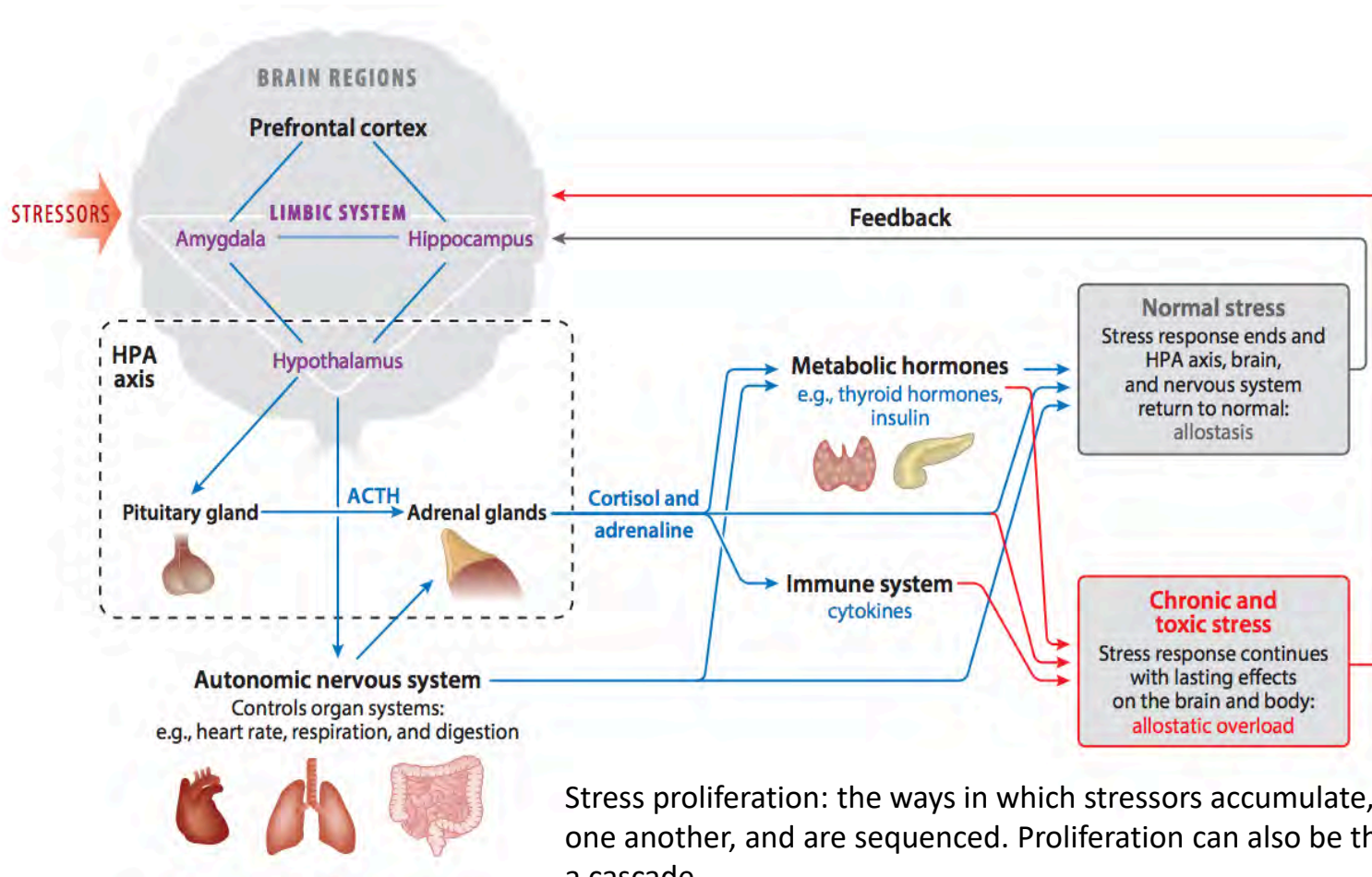
Thanks to Building Community Resilience Collaborative and Networks and the International Transformational Resilience Coalition for inspiration and guidance. Please visit [ACESConnection.com](https://www.acesconnection.com) to learn more about the science of ACEs and join the movement to prevent ACEs, heal trauma and build resilience.

Back to Brain Chemistry

Trauma & Brain Development

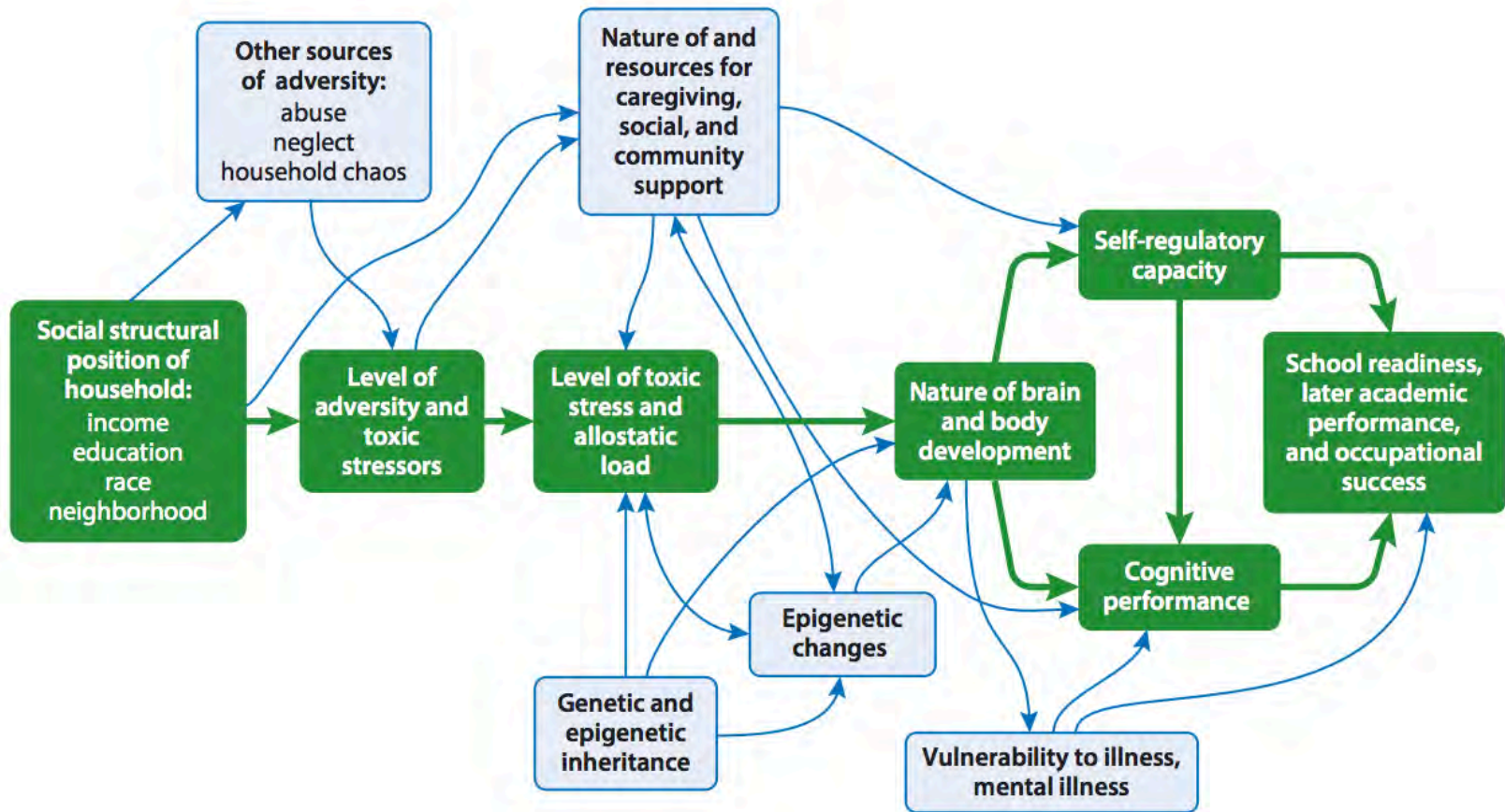


Adapted from Holt & Jordan, Ohio Dept. of Education



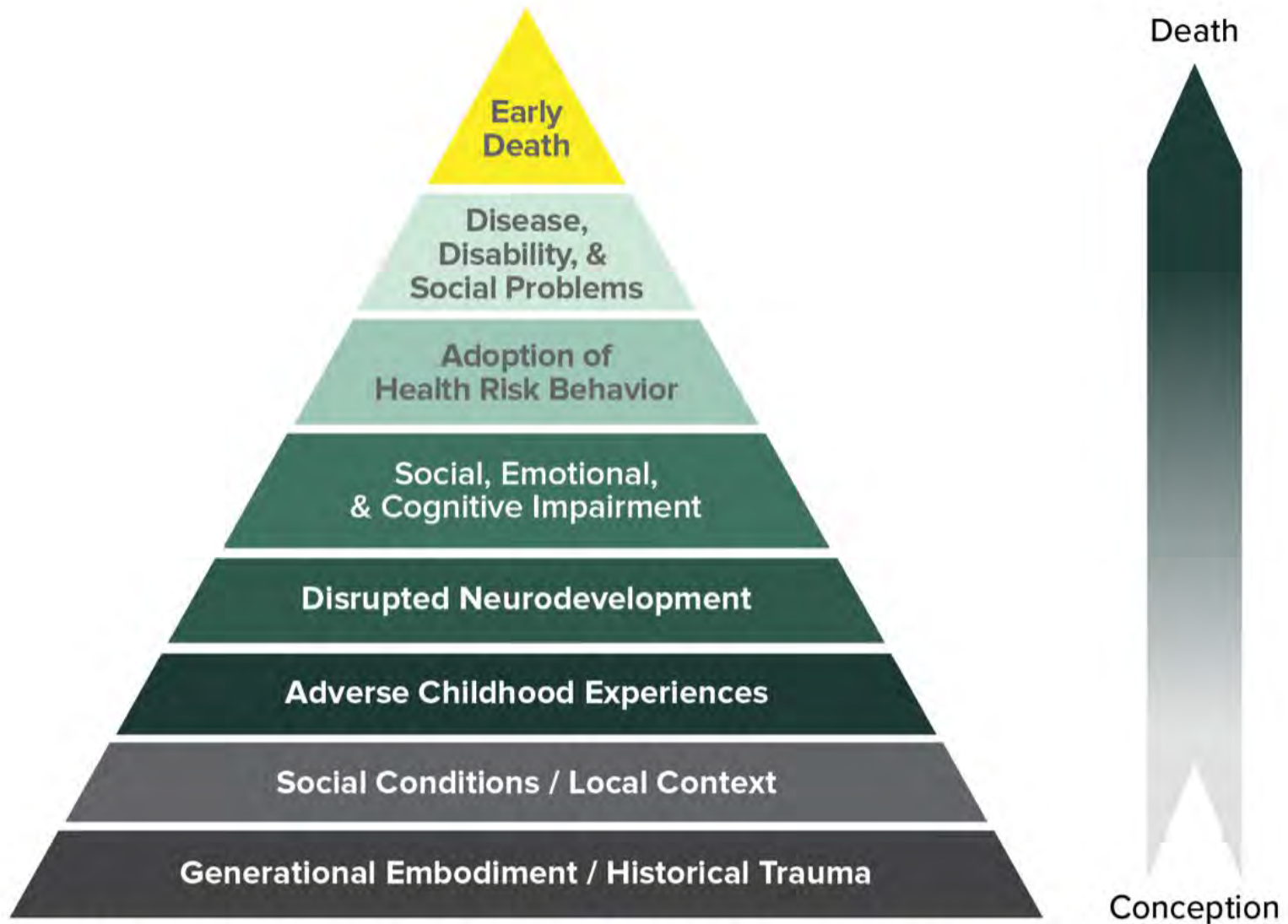
Stress proliferation: the ways in which stressors accumulate, grow out of one another, and are sequenced. Proliferation can also be thought of as a cascade.

McEwen and McEwen (2017),
<https://www.annualreviews.org/doi/full/10.1146/annurev-soc-060116-053252# i5>



McEwen and McEwen (2017),

https://www.annualreviews.org/doi/full/10.1146/annurev-soc-060116-053252#_i5

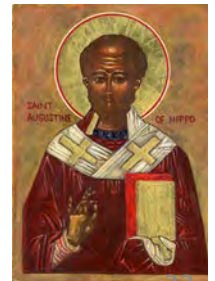


Mechanism by which Adverse Childhood Experiences Influence Health and Well-being Throughout the Lifespan

https://www.cdc.gov/violenceprevention/aces/about.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fviolenceprevention%2Facestudy%2Fabout.html

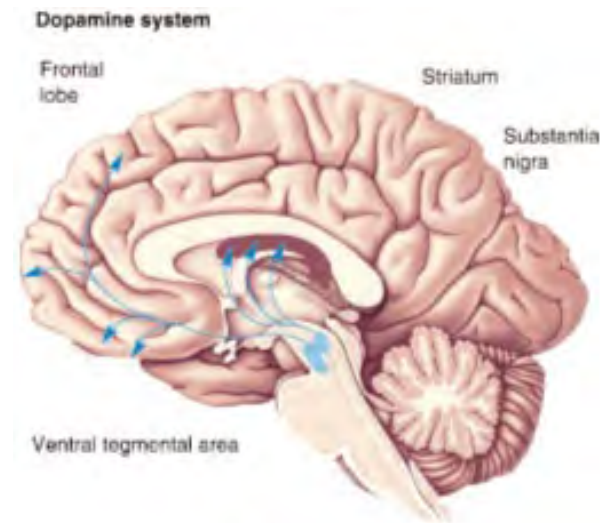
What works in treatment

- Family therapy
- Screening for co-occurring mental illness
- Medication as part of treatment
- Treatment works, if you can find it

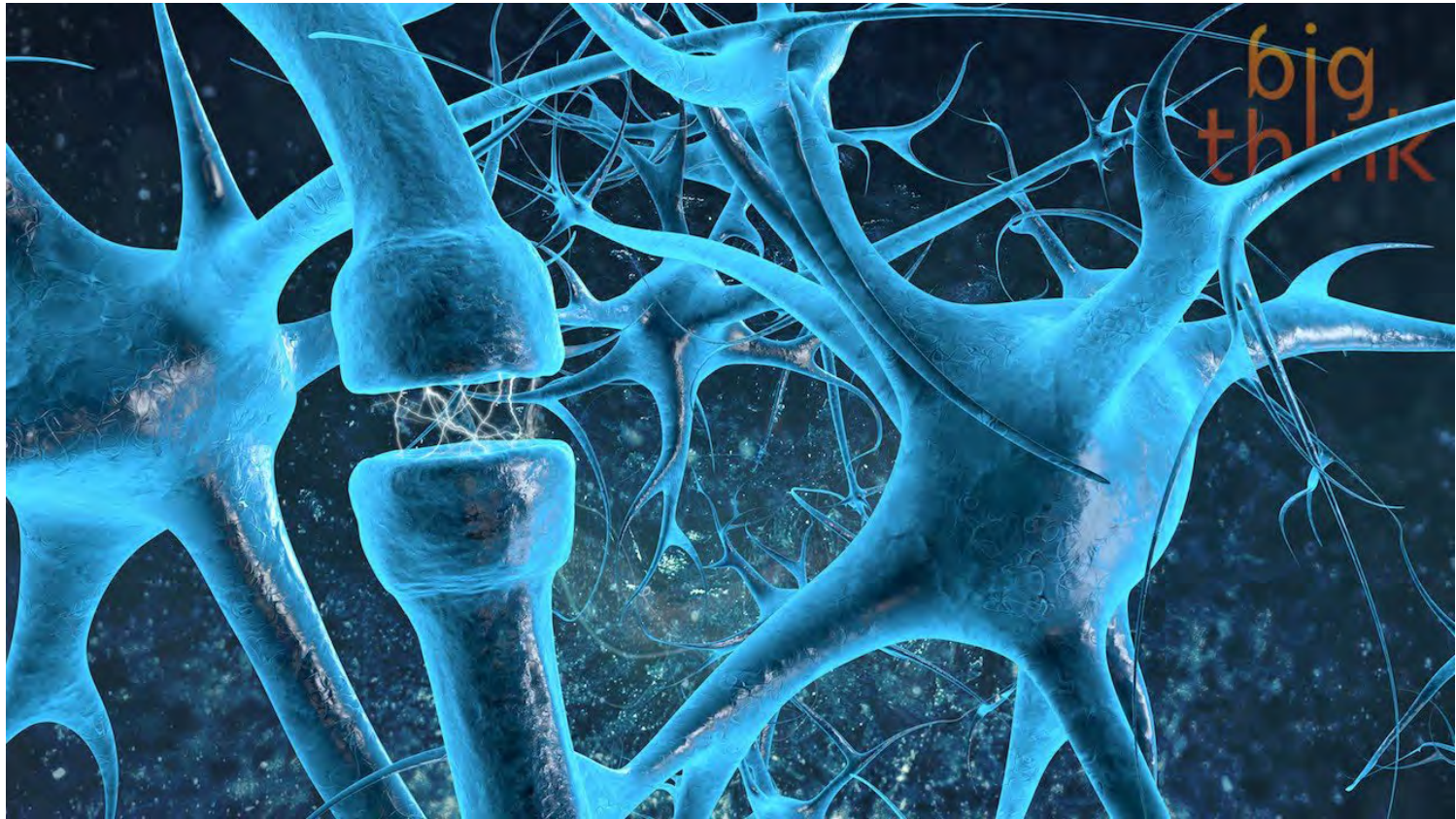


What Do Addiction Medications Do?

- It's all about brain structure and brain chemistry
- Not everyone needs medication
- Medications can stabilize brain chemistry and allow time for healing, *then* therapy
- Our brains are different, so the extent and process of healing differs
- This difference affects treatment choice



Neurochemistry, Neurotransmitters, and Neuroreceptors



Tangent: Why don't some doctors support use of medical marijuana?

Medical cannabis: Risks

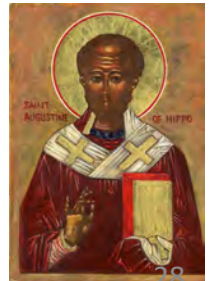
- **Acute adverse effects** may include dizziness, drowsiness, nausea, increased heart rate, psychomotor impairment, and increased risk of motor vehicle accidents.
- **Long-term adverse effects** of smoking marijuana include cannabinoid hyperemesis syndrome, chronic bronchitis symptoms without development of chronic obstruction, and psychosis. [Dynamed Plus](#)
- **Effects on adolescents**
 - Effect on the brain and learning
 - Link to lower threshold/risk for schizophrenia

Tangent (Part 2): Why don't some doctors support use of medical cannabis?

- It's still illegal at a federal level
- Lack of FDA regulation
 - Varying strength
 - Varying purity
- Health risks related to combustion
- Use of more than one psychoactive substances at a time—risks related to impairment
- CBD oil is generally considered safe, but it may affect how other drugs are metabolized
- Cheap drugs are like cheap tattoos

What works in prevention?

- Social resistance skills training
- Normative education, or denormalization
- Competence enhancement skills training



Screening for SUD in adolescents and young adults

Begin: “I’m going to ask you a few questions that I ask all my patients. Please be honest. I will keep your answers confidential.”

Part A

During the PAST 12 MONTHS, did you:	No	Yes
1. Drink any alcohol (more than a few sips)? (Do not count sips of alcohol taken during family or religious events)	<input type="checkbox"/>	<input type="checkbox"/>
2. Smoke any marijuana or hashish?	<input type="checkbox"/>	<input type="checkbox"/>
3. Use <i>anything else</i> to get high? ("anything else" includes illegal drugs, over the counter and prescription drugs, and things that you sniff or "huff")	<input type="checkbox"/>	<input type="checkbox"/>

For clinic use only: Did the patient answer “yes” to any questions in Part A?



Part B

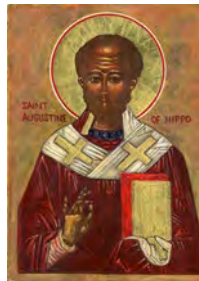
	No	Yes
1. Have you ever ridden in a CAR driven by someone (including yourself) who was “high” or had been using alcohol or drugs?	<input type="checkbox"/>	<input type="checkbox"/>
2. Do you ever use alcohol or drugs to RELAX , feel better about yourself, or fit in?	<input type="checkbox"/>	<input type="checkbox"/>
3. Do you ever use alcohol or drugs while you are by yourself, or ALONE ?	<input type="checkbox"/>	<input type="checkbox"/>
4. Do you ever FORGET things you did while using alcohol or drugs?	<input type="checkbox"/>	<input type="checkbox"/>
5. Do you FAMILY or FRIENDS ever tell you that you should cut down on your drinking or drug use?	<input type="checkbox"/>	<input type="checkbox"/>
6. Have you ever gotten into TROUBLE while you were using alcohol or drugs?	<input type="checkbox"/>	<input type="checkbox"/>

What works in between?

Harm Reduction

With an “H”

- Recognize signs of an opioid overdose
- Use Narcan (naloxone)
- Expanding syringe access programs
- Educate when overdose is most common



With an “h”

- Put a coat on; use your seat belt; don't drink and drive
- Normalize conversations about substances and mental health
(<https://www.addictionisreal.org/>)
- Don't demonize or disparage people in your life with addictions
- Maintain communication

Who does this work locally?

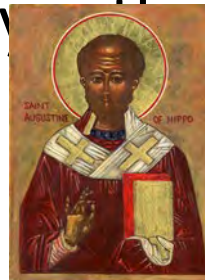
- Preferred Family Healthcare, <https://pfh.org/adolescent-rehab>
- CenterPointe Hospital, <https://pfh.org/adolescent-rehab>
- State Opioid Response resources, <https://www.nomodeaths.org/get-treatment>
- Assisted Recovery Centers of America, <https://arcamidwest.com/>
- Chestnut Health Systems, <https://www.chestnut.org/>
- St. Louis Children's Hospital, <https://www.stlouischildrens.org/conditions-treatments/substance-abuse>
- **And whom do you want to avoid?**



As a result of participating in today's session

Participants will be able to:

- Discuss recent national and local trends in substance use disorders among youth;
- Describe the impact of substance use disorders on the developing brain chemistry and structure of youth;
- Use local and national resources to promote youth well-being; and
- Ask better questions about substance use with youth in the criminal justice system.



Starting the conversations



Local resources for individuals, families, and communities

- **PreventEd:** Experts in prevention and connections with young people, <http://ncada-stl.org/>
- **ARCHway Institute:** Experts in having conversations with individuals and families when you don't know what to ask, <https://thearchwayinstitute.org/>
- **Mental Health America of Eastern Missouri:** Experts and resources that foster health and resiliency, <https://www.mha-em.org/>
- **Assisted Recovery Centers of America (ARCA):** Outpatient and virtual addiction medicine, <https://arcamidwest.com/>
- **Missouri State Opioid Response Team:** Teaching and training related to OUD, prevention, harm reduction, treatment connections, and recovery support, <https://www.nomodeaths.org/>
- **Alive and Well Communities,** <https://www.awcommunities.org/>

Additional national resources: SUD

- 2018 NSDUH Annual National Report, <https://www.samhsa.gov/data/report/2018-nsduh-annual-national-report>
- National Institute on Alcohol Abuse and Alcoholism (NIAAA), <https://www.niaaa.nih.gov/>
- National Institute on Drug Abuse (NIDA), <https://www.drugabuse.gov/>
- AAP Policy Statement, Medication-Assisted Treatment of Adolescents With Opioid Use Disorders, <https://pediatrics.aappublications.org/content/pediatrics/early/2016/08/18/peds.2016-1893.full.pdf>

Additional national resources: Trauma and toxic stress

- How to Manage Trauma, <https://www.thenationalcouncil.org/wp-content/uploads/2013/05/Trauma-infographic.pdf?daf=375ateTbd56>
- Trauma Types, <https://www.nctsn.org/what-is-child-trauma/trauma-types>
- PACEs Science 101, <https://acestoohigh.com/aces-101/>
- About the CDC-Kaiser ACE Study, https://www.cdc.gov/violenceprevention/aces/about.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fviolenceprevention%2Facestudy%2Fabout.html

Resources and Perspectives: Cannabis

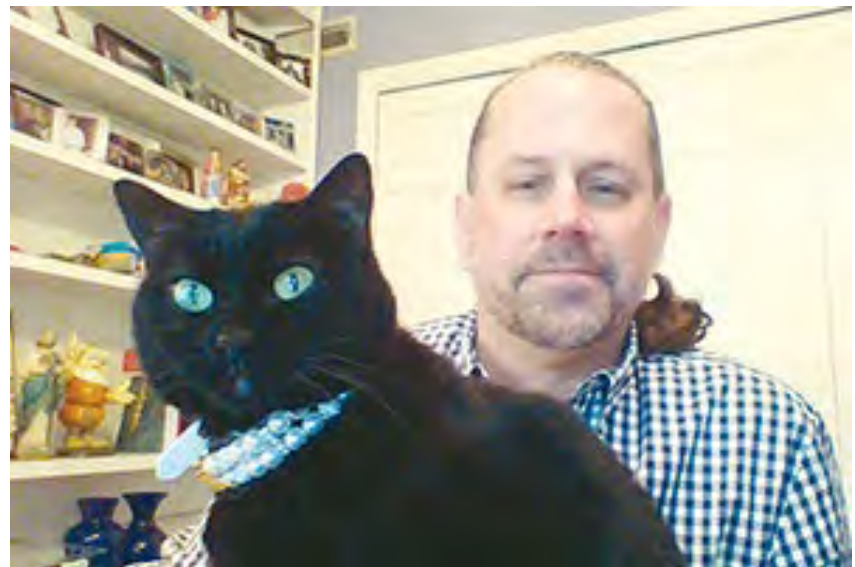
- Cannabis Liberalization In The US: The Policy Landscape,
<https://www.healthaffairs.org/doi/10.1377/hpb20210518.36548/full/health-affairs-brief-cannabis-policy-haffajee.pdf>
- Cannabis Legalization In The US: Population Health Impacts,
<https://www.healthaffairs.org/doi/10.1377/hpb20210701.500845/full/health-affairs-brief-cannabis-public-health-mauri.pdf>

Questions? Comments?

Fred Rottnek, MD, MAHCM

Fred.Rottnek@health.slu.edu

- Saint Louis University Addiction Medicine Fellowship,
<https://www.slu.edu/medicine/family-medicine/addiction-medicine.php>
- Don't Wait, a film by Addiction is Real,
<https://www.addictionisreal.org/>
- Not My Child,
<https://www.notmychildfilm.com/>



Eraka Bath, MD


Understanding
Systemic Racism
and Racial
Inequity
Juvenile Justice
System
Involvement



NO KIDS IN PRISON

A national campaign to end youth incarceration and invest in community-based supports, services and opportunities for youth.





“Land acknowledgments are a stepping stone to honouring broken treaty relationships.”

Acknowledgements

- As we consider the history of UCLA as a land grant institution, we *acknowledge our presence on the traditional, ancestral and unheeded territory of the Gabrielino-Tongva First Nations peoples. We pay respect to the ancestors, elders, and relatives past, present, and emerging.*

Disclosures

- Dr. Bath has received funding from:
- Los Angeles County Department of Probation
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- California Community Foundation
- UCLA Pritzker Center for Strengthening Children and Families
- Dr. Bath reports no biomedical financial interests or potential conflicts of interest

Potential Conflicts of Interest

- My Personal Biases Based on my life Experiences:
- Black cisgender and hetero female
- Daughter of Black physician activists
- Mother
- Physician in Academic Medicine working in Systems of Care Setting
- Good Trouble Champion

Learning Objectives

At the conclusion of this continuing medical education activity, the participant will be able to:

1. Understand the relationship between systemic racism and the juvenile justice system
2. Understand historical origins of policing, its relationship to racism and justice involvement
3. Explore justice involvement through an intersectional lens
4. Identify the risk factors for entry into the juvenile justice system from systems of care settings
5. Develop familiarity with current priority areas in juvenile justice (e.g., mental health, antiracism, and health inequities).
6. Learn about the Youth Justice movement in California and other promising practices

A small green seedling with several leaves is growing out of a crack in a dark asphalt surface. The background is a bright, hazy sky with a warm, golden light. The text "Setting Foundations and Guiding Principles" is overlaid in white, centered on the image.

Setting Foundations and Guiding Principles



SANKOFA BIRD

- Grounded and Anchored in the Historical Context
- Go Back and Get It
- Return to your past
- It is not taboo to go back and retrieve what you have forgotten or lost

Anchor in the historical context



People are trapped in history and history is
trapped in them.

(James Baldwin)

Stranger in the Village, 1953

Foundations – Roots of Racism in Juvenile Justice

- The racial disparities in the criminal and juvenile system are astounding and unjust.
- Racial disparities in commitment rates are actually widening, not narrowing
- While many states have made efforts to decrease juvenile imprisonment on the whole, diversion programs and interventions have disproportionately benefited white youth.
- **Black children are more likely than white children to be disciplined in school, beginning as early as pre-school.** As they grow into adolescence, they are more likely to be criminalized for common youthful indiscretions, while white youth are given second and third chances.
- **Young people who commit violent crimes are often from impoverished communities where gang violence and drug activity are widespread, and access to guns and other weapons is common.**

Foundations and Guiding Principles

- The United States (US) incarcerates more people (both adults and youth) than any other country in the world.
- The origins, foundations, and processes of the criminal legal system are rooted in white supremacy, anti-Black and anti-Native American racism
- State-sanctioned forms of violence against Black bodies date to 1619 with the creation of the transatlantic slave trade and the slave patrols created to dominate and oppress Black lives.

What is racism?

A system of structuring opportunity and assigning value based on the social interpretation of how one looks (which is what we call “race”), that

- Unfairly disadvantages some individuals and communities
- Unfairly advantages other individuals and communities
- Saps the strength of the whole society through the waste of human resources

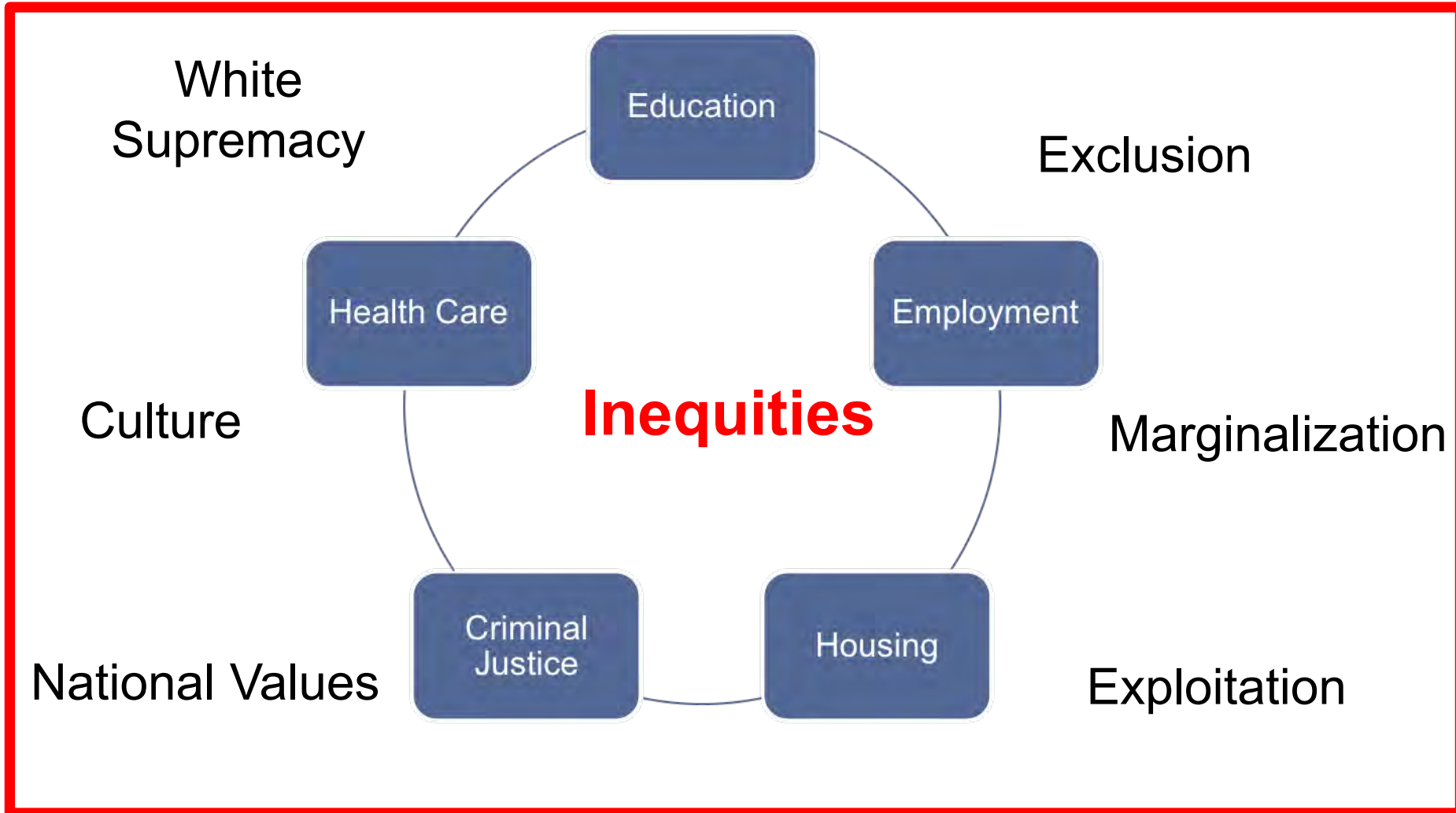


Systemic Racism

- The term systemic racism refers to a system in which **public policies, institutional practices, cultural representations** and other norms work in various, **often reinforcing ways to perpetuate racial group inequity**....the systemic racism lens allows us to see that, as a society, we more or less take for granted a context of white leadership, dominance, and privilege.
- Dominant consensus that race is the frame that shapes our attitudes and judgments about social issues.
- Systemic racism reflects how **historically accumulated white privilege, national values**, and contemporary culture have interacted to **preserve the gaps between white Americans and Americans of color**.

<https://www.racialequitytools.org/act/strategies#ACT18>

Structural Racism- The system which perpetuates racial inequities



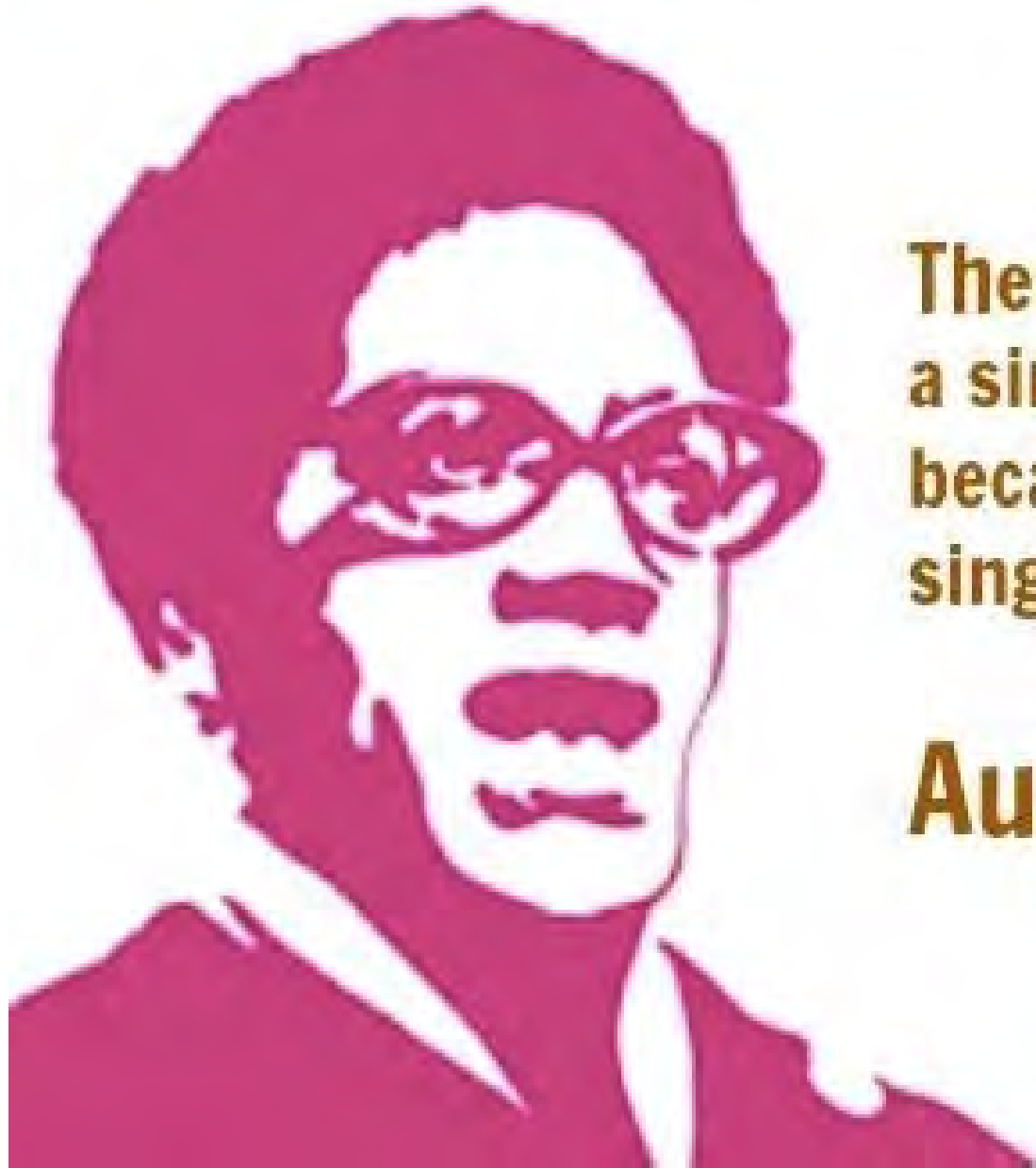
It's as ubiquitous as the air we breathe, for those allowed to breathe.



Intersectionality

- Intersectionality is a lens, a prism, for seeing the way in which various forms of inequality often operate together and exacerbate each other.
- We tend to talk about race inequality as separate from inequality based on gender, class, sexuality or immigrant status.
- What's often missing is how some people are subject to all of these, and the experience is not just the sum of its parts.
- Professor Kimberle Crenshaw, 1989





**There is no such thing as
a single-issue struggle
because we do not live
single-issue lives.**

Audre Lorde



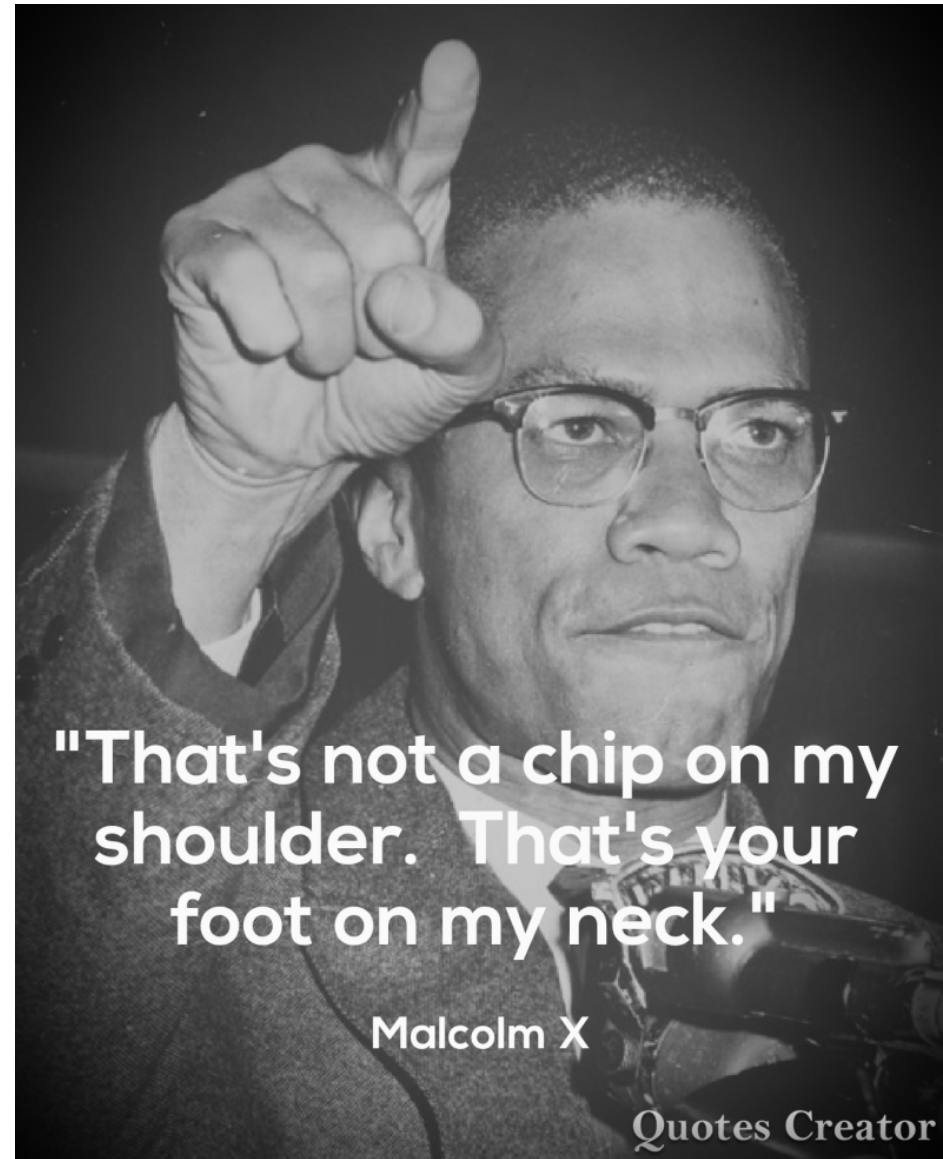
Reckoning with America's Legacy of Racial Terrorism

Criminal Justice System and Slavery

- There are more African Americans ensnared in the criminal justice system today than the number enslaved in 1850.
- Slavery would have been abolished in 1865 by the 13th amendment but for one small clause that all but grandfathered slavery back in for the sake of crime and punishment.
- “Neither slavery nor involuntary servitude, *except as a punishment for crime whereof the party shall have been duly convicted*, shall exist within the United States.”
- America has been unshy about exploiting that clause to great profit ever since, and 13th duly chides the nation for it.



Police Brutality & Racism in America



"That's not a chip on my
shoulder. That's your
foot on my neck."

Malcolm X

Quotes Creator

Policing and White Supremacy

“Policing has served to confine communities and police the freedoms of one group to expand the freedoms and protect the property, interests, and life of the white supremacist state.

Policing is deeply embedded within White Supremacy’s larger carcerality as a carceral system that institutionalizes and normalizes violence and the theft and exploitation of humans and land

Policing and the pandemic teach us that structural violence is what has allowed for structural racism to continue.”

Slave Patrols: Forerunner of Modern American Law Enforcement

- Earliest form of policing (W.E.B. DuBois in 1904)
- Government-sponsored forces that were well organized with reputation for brutality (Roth 2005)
- **”Policing in this country is a system whose genealogical roots connect to slave patrols on the plantation and US expansion into domestic and global lands. It functions in service of racial capitalism and maintains the “frontier” once it has been conquered”**

Legacy of Slavery and Slave Patrols in Criminal Justice

- Pattern of racial discrimination found in capital cases in modern America is related to the Slave Codes (Vandiver, Giacobassi, and Curley 2003)
- Race has been one of the key factors in shaping American Constitutional Criminal Law (Kennedy 1991)
- Unequal protection of law
 - where blacks were victimized without having any recourse to laws for protection of their safety
- Unequal enforcement of law
 - where blacks suffered unequal treatment by law enforcement and courts when they were accused of criminal acts) are important

Lynching/Dying in Police Custody

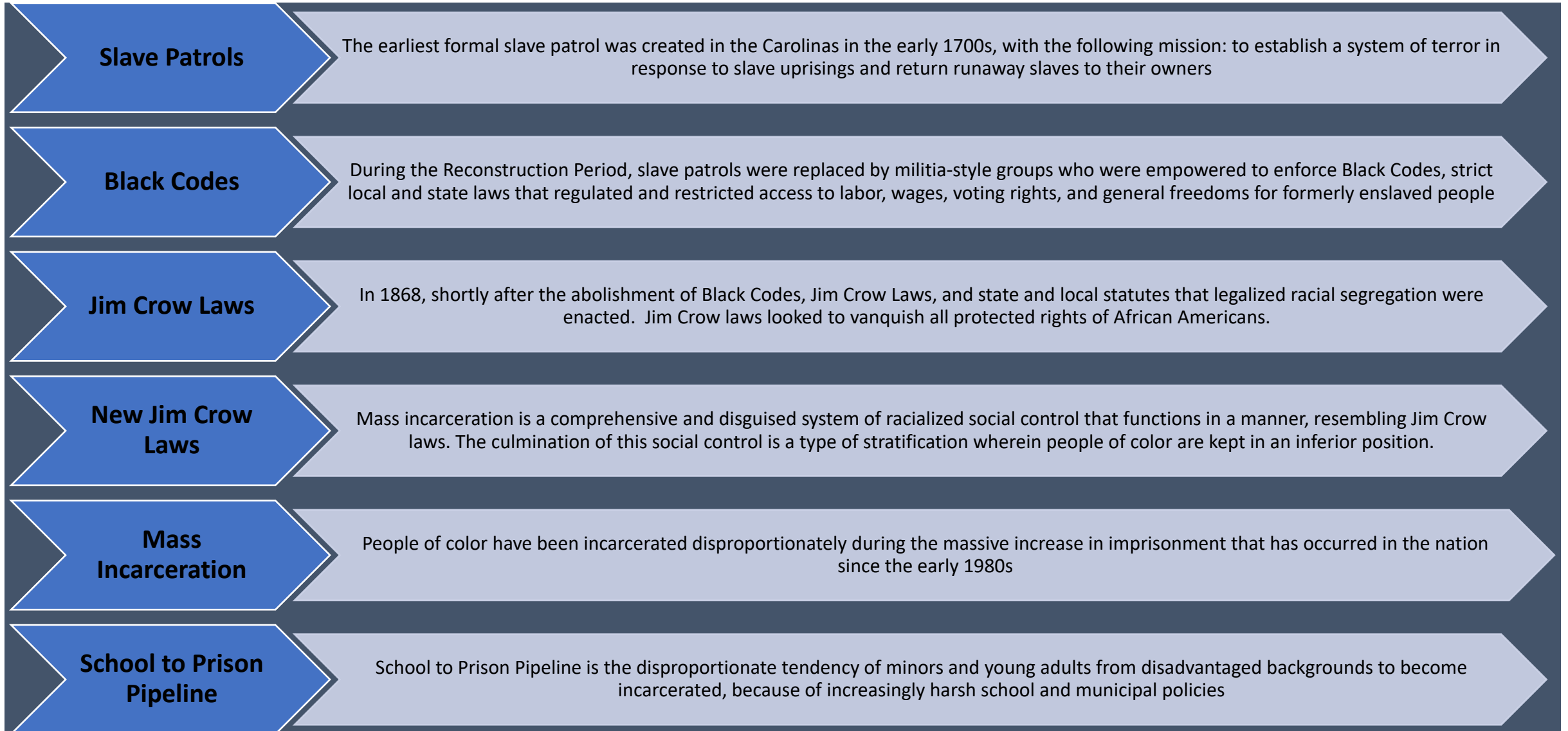
- Many police departments began as slave patrols
- Post slavery/Jim Crow lynching, often led by or supported by police, was the ultimate U.S. expression of racism (fear & oppression)
- Practice of police sanctioned killing of Blacks is considered a modern-day lynching
 - **For White America police = safety**
 - **For Black America police = fear**
- Over 200 Anti-Lynching Bills since 1918 – still not passed

Message to Black Americans has been and remains clear
Values of White Supremacy & Structural Racism Rule this Nation

- Equal Justice Initiative

- Turner KB, et al. (2006). Ignoring the Past: Coverage of Slavery and Slave Patrols in Criminal Justice Texts. *Journal of Criminal Justice Education*, 17: (1), 181–195.

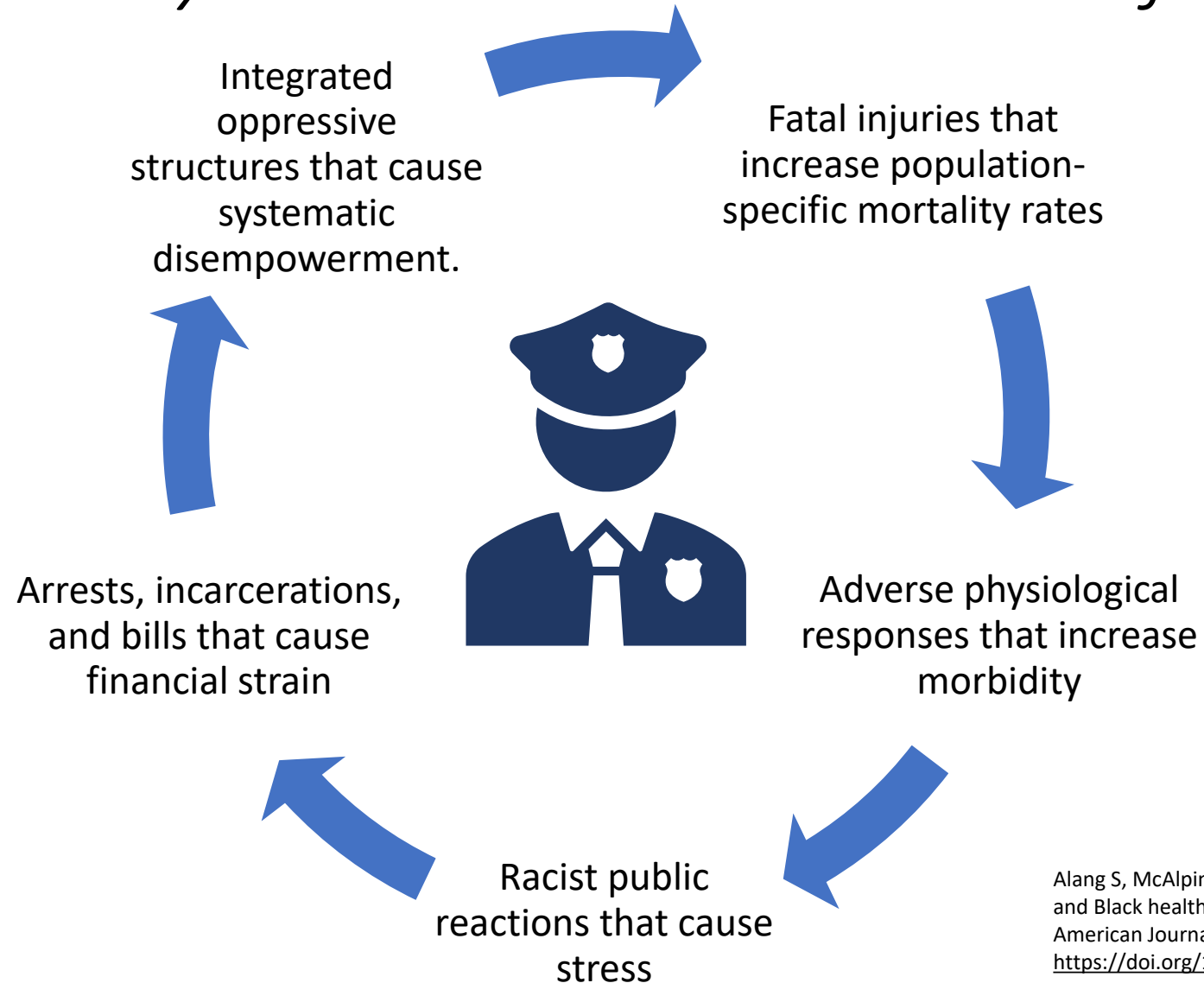
Timeline of Police Violence



Police Brutality is a Matter of Public Health

- Police violence and brutality is a public health crisis
- Police violence is a leading cause of death for young men in the United States. Over the life course, about 1 in every 1,000 black men can expect to be killed by police
- Excessive police force is a communal violence that significantly drives unnecessary and costly injury, and premature morbidity and death

Police Brutality is a Social Determinant of Health



Alang S, McAlpine D, McCreedy E, Hardeman R. Police brutality and Black health: setting the agenda for public health scholars. *American Journal of Public Health*. 2017, 107, 662_665. <https://doi.org/10.2105/AJPH.2017.303691>

Lynching and Health: Strange Fruit yield Strange Harvest

- Janice C. Probst, Sandra Glover, Victor Kirksey. **Strange Harvest: a Cross-sectional Ecological Analysis of the Association Between Historic Lynching Events and 2010–2014 County Mortality Rates.** *Journal of Racial and Ethnic Health Disparities*, 2018
- Studies indicate links between historic lynching in a community and contemporary issues such as housing patterns or incarceration rate

Race and Gun Violence among Youth

- Gun violence is a public health crisis
- In 2019, firearms were the leading cause of death for American children, teens, and young adults ages 1 to 24.
- Racial ethnic minority youth aged 10-24 are disproportionately affected by gun violence
- 37% of gun homicide victims were Black males between the ages of 15 and 34 – although they made up only 2% of the U.S. population. Their gun homicide rate was more than 20 times higher than White males of the same age group.
- Young Black men and teens made up more than a third of firearm homicide victims in the USA in 2019 in a review of gun mortality data in a report by the Centers for Disease Control and Prevention
- Homicide is the leading cause of death among Black youth, 2nd among Hispanic youth and third among American Indian/Alaska Native
- Despite national decreases youth violence since the 1990s, racial ethnic minority youth continue to experience disproportionate rates of violence

Massetti and Ferdon 2016

Gun Violence Overall by Demographics

While nobody is immune from gun violence, some demographic groups are at much higher risk than others:



By sex:

- Males are six times more likely to die by gun violence (any intent) than females, making up 86% of U.S. firearm deaths in 2019 (84% of homicides and 87% of suicides).



By age:

- Gun deaths impact both younger and older generations. In fact, the age groups most impacted by gun deaths are young adults (ages 15-34) followed by older adults (ages 75 and older). This is primarily due to homicide victims being disproportionately young and suicide decedents skewing more elderly.



By race/ethnicity among males:

- Black males are disproportionately impacted and have by far the highest rate of gun death, nearly twice as high (1.8x) as the second-highest (and also disproportional) rate of gun death among American Indian/Alaska Native males. Continuing in order descending by rate are White, Latino/Hispanic, and Asian/Pacific Islanders. Black males were more than twice as likely to die by firearms than White males in 2019.



By race/ethnicity among females:

- The highest firearm death rate is among American Indian/Alaska Natives, followed closely by Black females. Continuing in order descending by rate: are White, Latino/Hispanic, and Asian/Pacific Islanders. American Indian/Alaska Native females were 1.4 times more likely to die by firearms than the White females in 2019.

Exposure to violence is
structured

Structural Inequities

- Structural inequities further exacerbate the problem of crime exposure
- Burden of high crime levels is disproportionately placed on youth living in areas that also suffer from high levels of poverty and social disorganization, where crime is concentrated (Sampson 2012)
- Despite fluctuations in crime and violence over the past two decades, this pattern of crime concentration appears to remain consistent (Weisburd 2015)

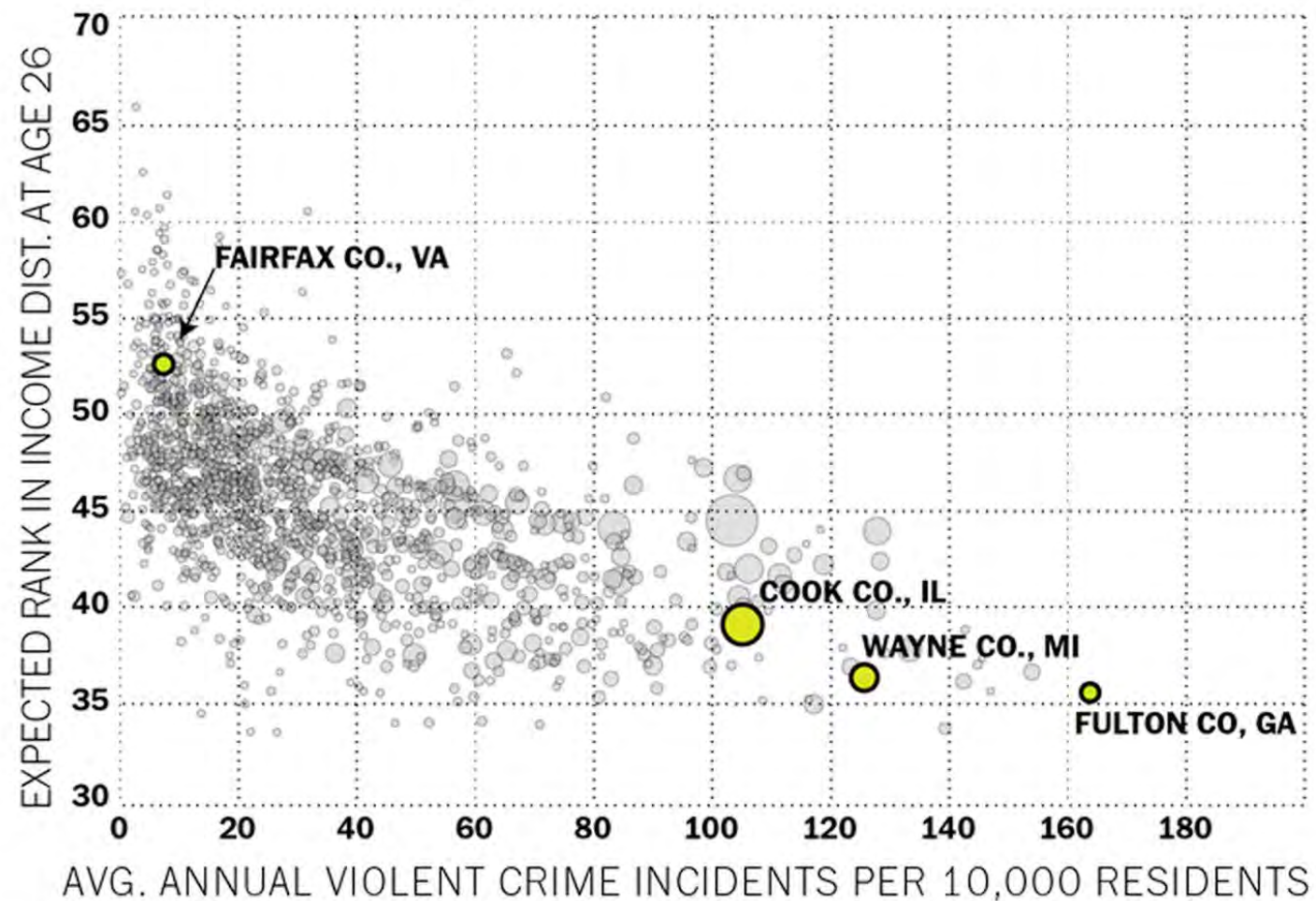
Jesse Jannetta and Cameron Okeke, 2017

Structural Inequities

- Persistent residential segregation causes neighborhood disparities in safety which is a highly racialized phenomenon
- African American youth living, on average, in neighborhoods with much higher levels of violence than other Americans (Peterson and Krivo 2010)
- Native youth also experience victimization at much higher rates than non-Native youth (Pavkov et al. 2010)

Upward mobility and violent crime

Poor children who lived in counties with more violent crime from ages 14-17 had lower economic mobility. The children shown here were raised in families at the 25th percentile of the income distribution.



Impact of Violence on Youth

- Crime and Community violence needs to be treated as a Disease
- Neighborhood Crime Impacts Economic Mobility
- 2013 study, led by economists Raj Chetty and Nathaniel Hendren, Sharkey and Torrats-Espinosa found that poor children across the country have worse outcomes in more violent places, like Chicago and Detroit and have higher economic mobility in safer places like Fairfax County, VA and less likely to drop out of high school
- Violence breaks down entire communities, stripping them of the things that poor kids need to get ahead, like good schools and job networks
- Violence isn't just associated with differences in mobility rather, they *cause* these differences in mobility

Impact of Violence on Youth

- Places with pockets of deep violence and high crime rates have fraying neighborhoods that come with them.
- Sharkey had found that black children performed worse on vocabulary and reading assessments [when a homicide occurred](#) in their neighborhood in the previous week

The Project on Policing Neighborhoods

- The Project on Policing Neighborhoods involved systematic social observations of patrol officers in the field by trained observers who accompanied officers during their entire work shifts (Worden and Myers, 1999).
- Worden and Myers reported:
 - 62% of the juvenile suspects encountered by police were minority, 95% of these were black.
 - Most were males and most appeared to be of lower socioeconomic status.
 - Few of the youth showed any indication of alcohol or other drug use, and few were found to have a weapon in their possession.
 - Minority suspects were 43% more likely to be arrested than white suspects and twice as likely to be judged as having shown disrespect

Police Killings and Educational Effect on Black and Brown Youth (Ang D., 2020)

- In the days immediately after a police killing
 - absenteeism spikes among nearby students
 - exposed students are 15% more likely to be classified with emotional disturbance (a chronic learning disability) associated with PTSD and depression
 - twice as likely to report feeling unsafe in their neighborhoods the following year

School to Prison Pipeline



Bias and Schools

- An estimated 2 million students are suspended each year from secondary schools (U.S. Department of Education, 2014)
- African Americans youth (ages 12-14) are suspended about 4x more often than their peers.
- Teachers are influenced by their own biases and perceptions of African American youth.
- African American girls face a statistically greater chance of suspension and expulsion compared to other students of the same gender (Crenshaw, Nanda & Ocen, 2015).

Bias and Schools

- Although black students made up only 18% of students in public schools in 2010, they accounted for 40% of students who received one or more out-of-school suspensions.
- Students of color with disabilities are also referred out of the classroom at a disproportionate rate.

Bias and Schools

- 1 in 4 African-American students with disabilities are suspended at least once, in comparison to 1 in 11 white students.
- Students of color are more likely to be referred to law enforcement for school-related disciplinary matters
- 70% of students referred to “in-school” arrests or law enforcement are African-American or Latino

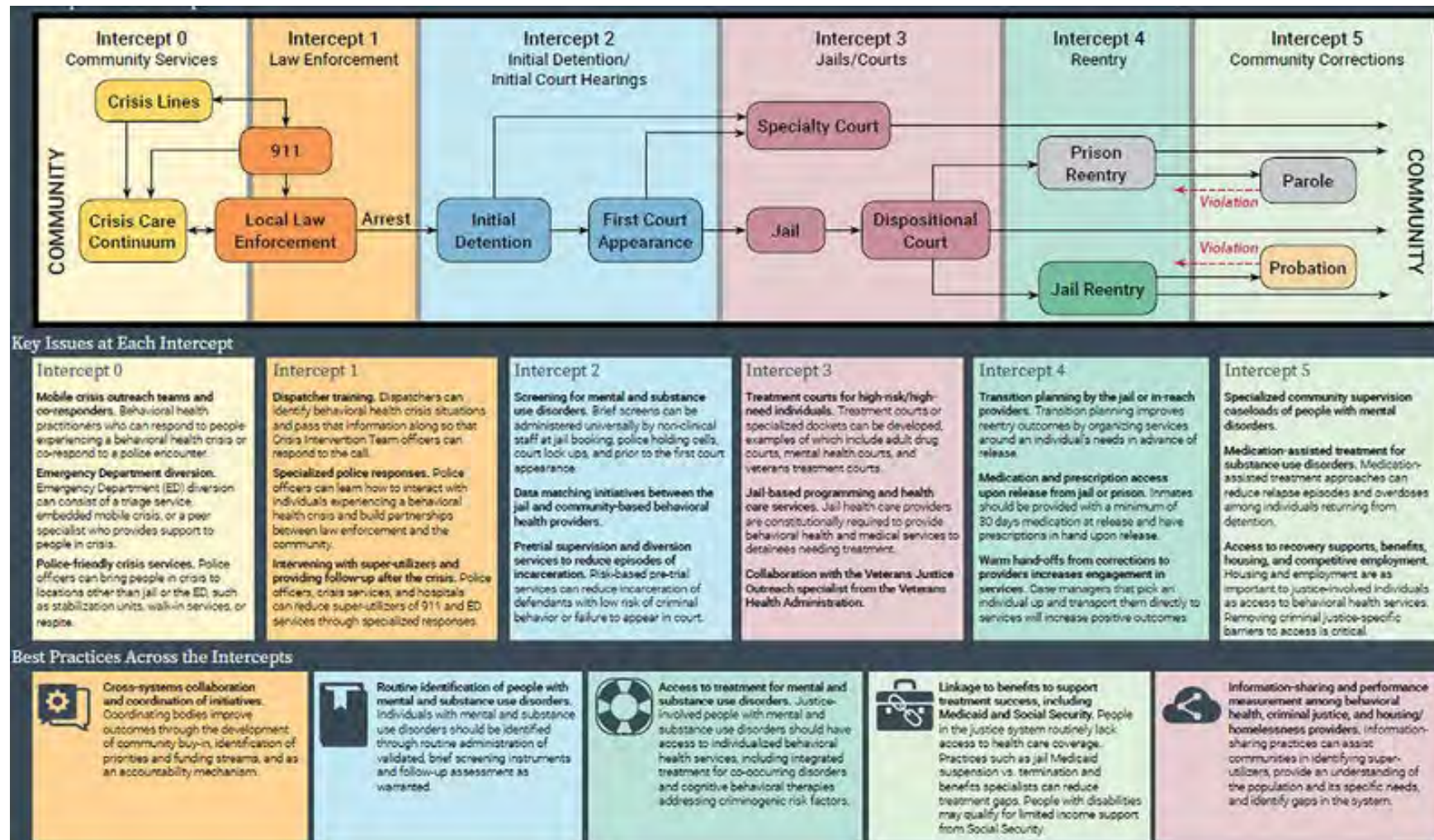
School to Prison Pipeline

- Black Kids get Cops White Kids Get Docs
- 2015 Sociology of Education study concluded that Black and Brown students were more likely to face disciplinary actions even when being served under the Individual with Disabilities Act of 504 education disabilities education polices
- In the 2013-2014 school, 20% of Black IDEA students were suspended compared to only 7% of White IDEA students

Systemic Racism

- Recent protests calling for radical changes to American policing have brought much-needed attention to the systemic racism within our criminal justice system.
- Systemic racism is evident [at every stage of the system](#), from policing to prosecutorial decisions, pretrial release processes, sentencing, correctional discipline, and even reentry. The racism inherent in mass incarceration affects children as well as adults, and is often especially punishing for people of color who are also marginalized along other lines, such as gender and class.

Introduction: Sequential Intercept Model



Joshua Rovner, who studies juvenile justice at the Sentencing Project, told Mother Jones

“The disparity exists because of differences in how young people of color are treated at every point of contact with the justice system, but the growth of the incarceration disparity is likely due to growing disparities in arrests, which feeds the rest of the system.”

Entry Into the JJ System

- If the police officer believes that the minor has committed an offense, he/she has discretion to:
 - Take minor into temporary custody.
 - Deliver and refer minor to shelter or diversion services.
 - Cite the juvenile for a minor offense and issue a notice to appear.
 - Detain them and take them to Juvenile Hall.



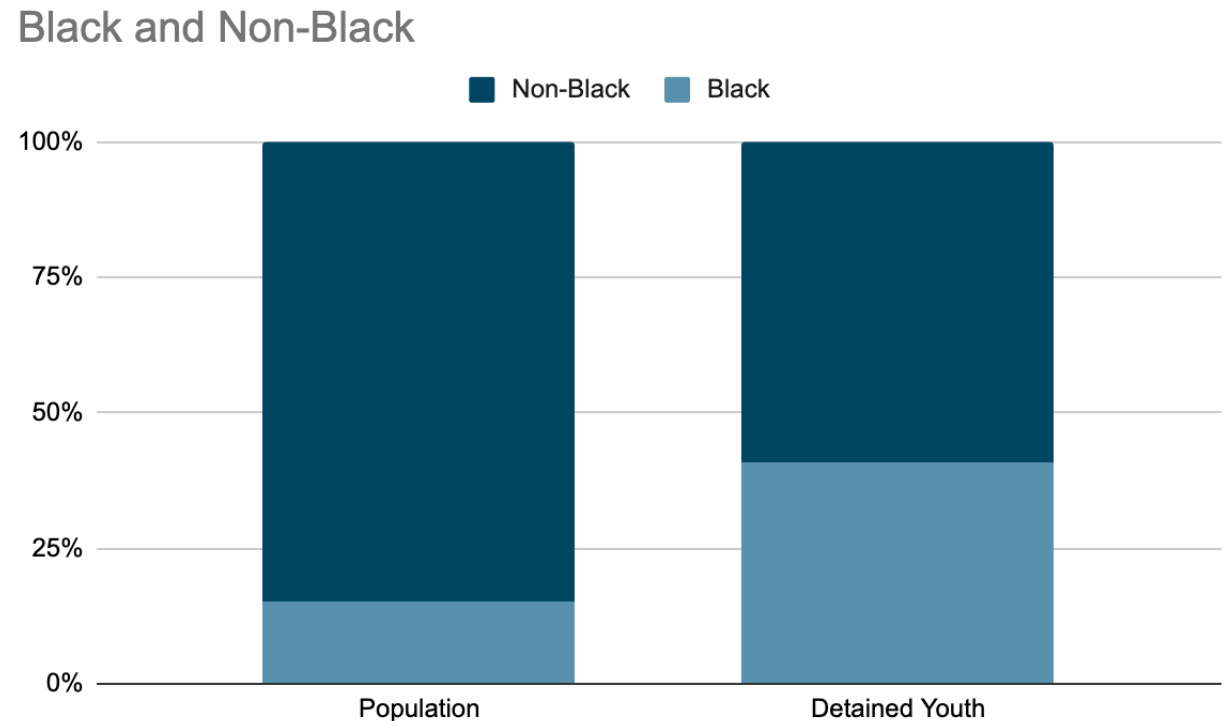
Overrepresentation of Black Youth

- From the juvenile court's inception, Black youth were overrepresented in court caseloads and substantially underserved by the community-based agencies and services contracted to assist youthful offenders.
- While services in the North for Black youth were paltry, they were considerably better than what was available in the segregated South:
- **White facilities** = rich with resources, including a modern courtroom, several classrooms for educational and vocational training, a gymnasium, a garden, housing, etc.
- **Black facilities** = small cottage devoid of resources where due process was nonexistent

(Kelley, 1914; Ward, 2012)

Introduction: Racism and Justice-Involved Youth

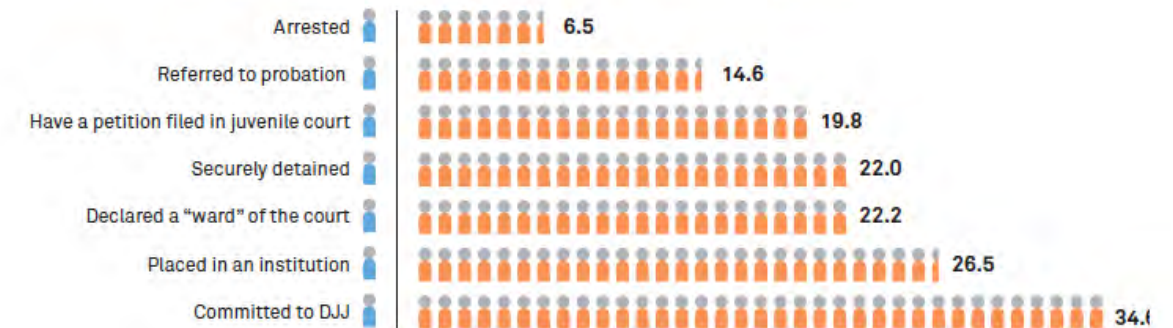
- Minoritized youth are disproportionately detained (Disproportionate Minority Contact = DMC)
 - Black youth commit fewer offenses prior to arrest than White youth
 - Black and Latinx youth are more likely to be formally processed in detention facilities
 - Black youth are more likely to be rearrested, despite same or lower levels of reoffending



Introduction: Racism and Justice-Involved Youth

- Although arrest and incarceration numbers continue to decrease, black and Latinx youth grow more over-represented throughout the carceral system
- Within Los Angeles black and Latinx youth are over-represented at each level of the carceral system and this over-representation increases at each stage of the system

For every white Youth (ages 10-17) in LA County, this many Black Youth are more likely to be...



For every white Youth (ages 10-17) in LA County, this many Latino Youth are more likely to be...



Introduction: Trauma-informed Juvenile Justice

-Minoritized youth have exceptionally high rates of ACEs, and detained youth have even higher rates

-Over 50% of detained youth have >4 ACEs; number of ACEs is correlated with increased recidivism risk Baglivio et al, 2014

-Identification, treatment, and reduction of exposure to further trauma is essential – current system can compound trauma exposure through detainment

-NCTSN has issued guidelines for increased trauma-informed practices in juvenile detainment settings

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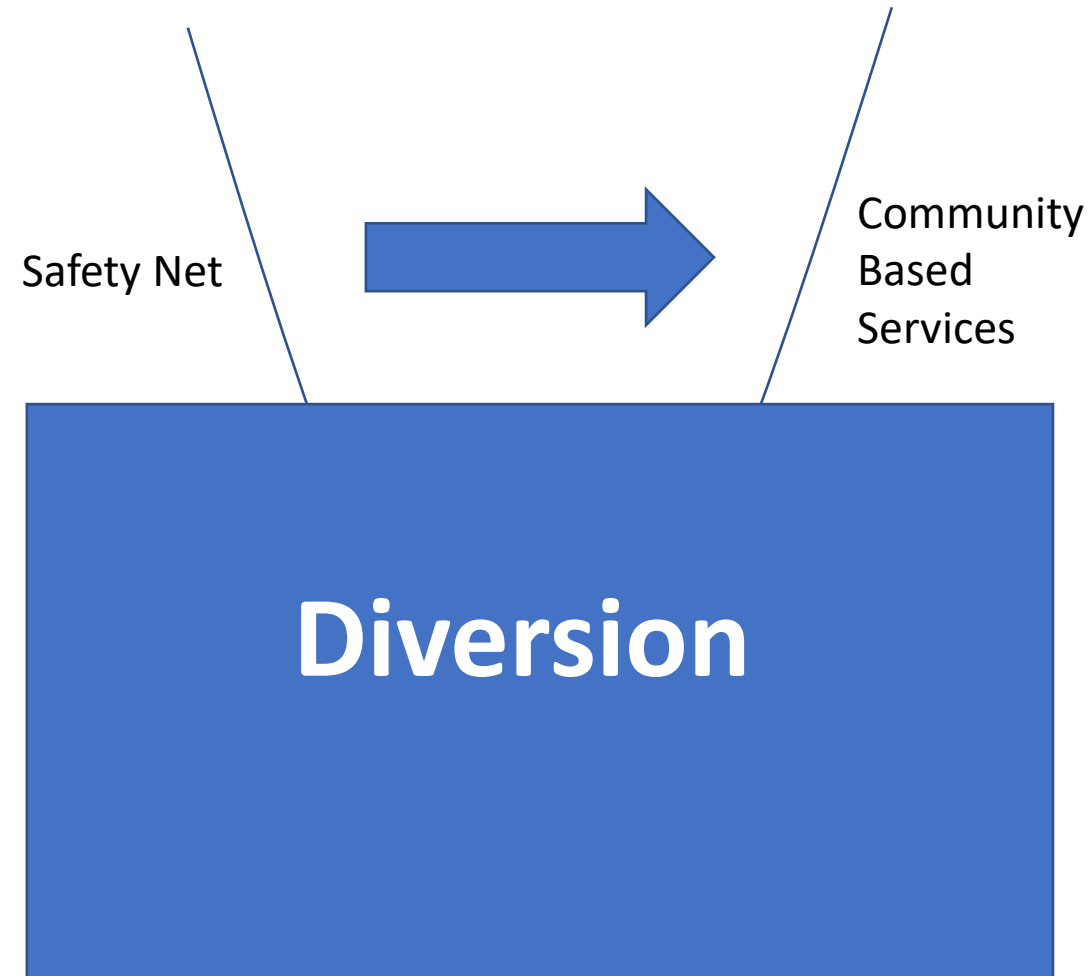
Essential Elements of a Trauma-Informed (T-I) Juvenile Justice System

- 1.T-I policies and procedures
- 2.Identification and screening of youth with trauma
- 3.Clinical assessment and intervention for trauma
- 4.Trauma-informed programming and staff education
- 5.Prevention and management of secondary traumatic stress (STS)
- 6.T-I partnering with youth and families
- 7.T-I cross system collaboration
- 8.T-I approaches to address disparities and diversity

NCTSN, 2015

Introduction: Interventions for Justice Involved Youth

- Carceral system is serving as safety net for youth who are not able to get mental health services in community
- Suggests that mental health services within the justice system need to be strengthened, however
 - Youth are ending up with charges and and other adverse consequences
 - Youth need to navigate complex carceral system while trying to get services
 - Community based services are in general administered by probation
- Significant focus should be placed on
 - Community based treatment to reduce carceral system involvement
 - Formalized pathways to divert youth from carceral system



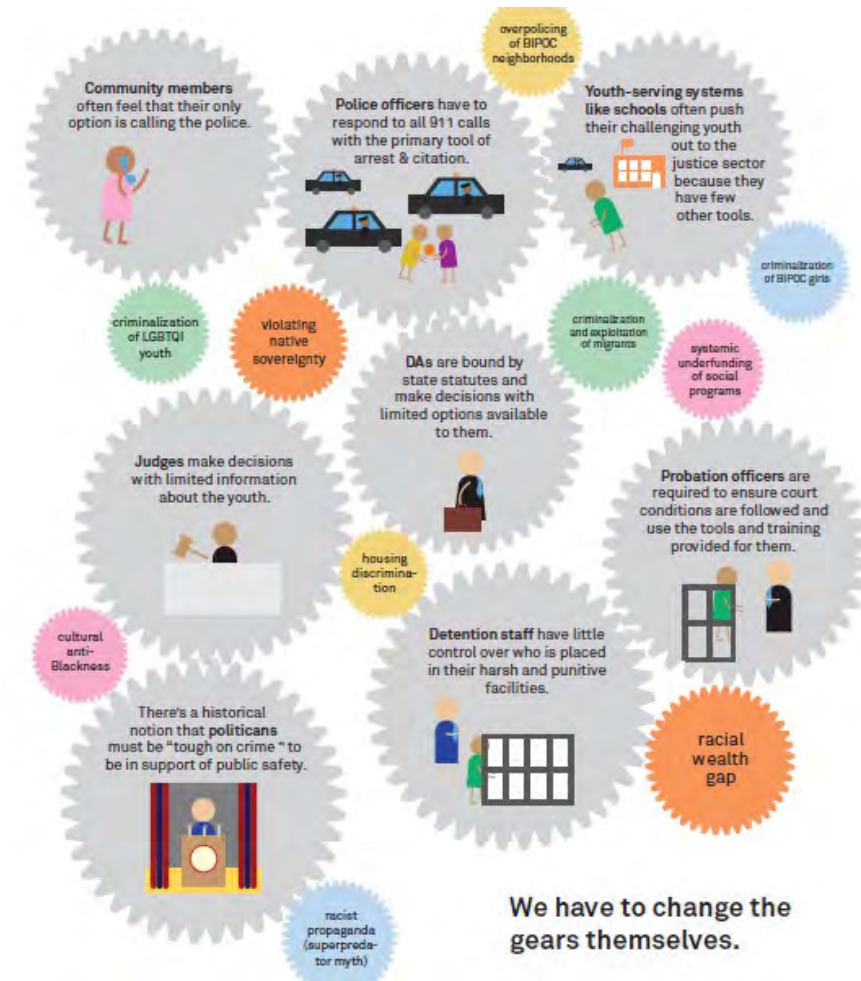
Introduction: Sequential Intercept model



Patients can end up in ED or inpatient unit from any point along this continuum, consider disruption of carceral system cycle as essential treatment goal

Realities of diversion

- Police divert White youth significantly more than minoritized youth
- Prosecutors divert White youth significantly more than minoritized youth in cases of theft



Steps towards diversion

- Specialized Supervision in Texas
 - In traditional model, a juvenile probation officer (JPO) enforces psych tx as part of probation. If youth violate court order for tx, can be redetained.
 - In specialized model, DPOs train to act more as case managers (CM) with non-punitive and more therapeutic approach to supporting service access
 - Specialized model diverted more youth prior to adjudication and increased service utilization

Colwell, Villarrea, Espinosa, 2012

- Behavioral Health Diversion in Ohio
 - Pilot program since 2006 with 11 counties
 - Youth enter from juvenile court if eligible, and judge agrees; still under probation
 - EBTs offered: MST, FFT, TF-CBT, MDFT, etc
 - Virtually all with trauma history
 - Trauma symptoms and psych functioning improved
 - Minoritized youth and those with suspensions/expulsions had more trouble staying in program

Kretschmar et al, 2016

Introduction: Justice Involved youth and Mental Illness

- In recent years there has been a movement for justice-involved youth away from incarceration and towards community-based treatment
 - 2.7 million in 1996 to approximately 730,000 in 2018
- Despite decreasing overall number, youth with mental illness continue to be over-represented in system
- Up to 75% of justice-involved youth would meet DSM-5 criteria for one or more disorders that could contribute to impulsive and/or aggressive behaviors

Table 2. Six-Month Prevalence and Odds Ratios (ORs) of *DSM-III-R* Diagnoses by Sex With and Without Diagnosis-Specific Impairment Criteria*

Disorder	Male, % (95% CI) (n = 1170)		Female, % (95% CI) (n = 656)	
	Diagnosis	Diagnosis With Impairment	Diagnosis	Diagnosis With Impairment
Any of the listed disorders	66.3 (61.6-70.7)	63.3 (58.6-67.8)	73.8 (70.1-77.1)	71.2 (67.5-74.7)
Any except conduct disorder	60.9 (56.2-65.5)	59.7 (54.9-64.3)	70.0 (66.2-73.5)	68.2 (64.4-71.8)
Any affective disorder	18.7 (15.2-22.8)	16.1 (12.8-20.0)	27.6 (23.6-32.0)	22.9 (19.0-27.2)
Major depressive episode	13.0 (10.0-16.6)	11.0 (8.3-14.5)	21.6 (17.8-25.9)	18.9 (15.2-23.2)
Dysthymia	12.2 (9.3-15.8)	9.9 (7.3-13.2)	15.8 (13.1-18.8)	12.5 (10.2-15.3)
Manic episode	2.2 (1.1-4.3)	2.0 (1.0-4.1)	1.8 (1.0-3.2)	1.2 (0.6-2.4)
Psychotic disorders	1.0 (0.4-2.6)	...	1.0 (0.5-2.1)	...
Any anxiety disorder	21.3 (17.6-25.6)	20.7 (17.0-24.9)	30.8 (27.2-34.6)	28.9 (25.5-32.7)
Panic disorder	0.3 (0.1-0.6)	0.1 (0.0-0.4)	1.5 (0.8-2.7)	1.0 (0.5-2.0)
Separation anxiety disorder	12.9 (9.9-16.5)	10.8 (8.1-14.2)	18.6 (15.7-21.9)	16.3 (13.6-19.4)
Overanxious disorder	6.7 (4.6-9.7)	5.9 (4.0-8.7)	12.3 (9.9-15.1)	11.5 (9.2-14.2)
Generalized anxiety disorder	7.1 (4.9-10.2)	6.4 (4.3-9.4)	7.3 (5.6-9.6)	6.8 (5.1-9.0)
Obsessive-compulsive disorder	8.3 (6.1-11.3)	...	10.6 (8.4-13.2)	...
Attention-deficit/hyperactivity disorder†	16.6 (13.3-20.5)	11.2 (8.5-14.6)	21.4 (18.4-24.8)	16.4 (13.7-19.5)
Any disruptive behavior disorder	41.4 (36.8-46.2)	31.4 (27.2-36.0)	45.6 (41.4-49.8)	38.0 (33.9-42.2)
Oppositional-defiant disorder	14.5 (11.4-18.2)	12.6 (9.8-16.2)	17.5 (14.7-20.6)	15.1 (12.5-18.1)
Conduct disorder	37.8 (33.3-42.6)	24.3 (20.5-28.5)	40.6 (36.5-44.8)	28.5 (24.6-32.8)
Any substance use disorder	50.7 (45.9-55.5)	...	46.8 (42.6-51.1)	...
Alcohol use disorder	25.9 (21.9-30.4)	...	26.5 (22.6-30.9)	...
Marijuana use disorder	44.8 (40.1-49.6)	...	40.5 (36.8-44.4)	...
Other substance use disorder	2.4 (1.7-3.4)	...	6.9 (4.1-11.4)	...
Both alcohol and other drug use disorders	20.7 (17.0-24.9)	...	20.9 (18.0-24.2)	...

Steps towards diversion

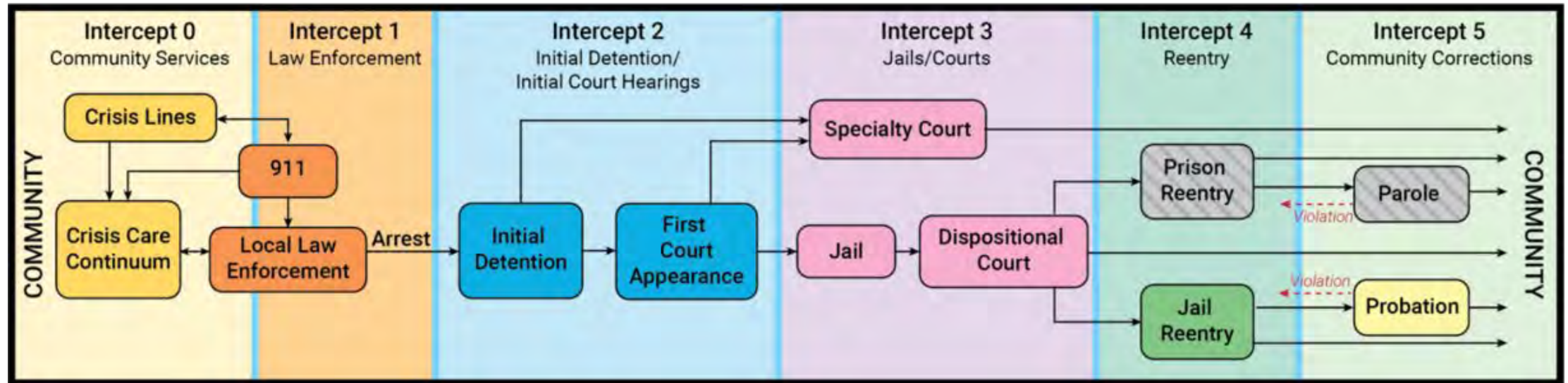
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Kretschmar et al, 2016

Juvenile Justice Sequential Intercept Model



Abreu, D., Parker, T. W., Noether, C. D., Steadman, H. J., & Case, B. (2017). Revising the paradigm for jail diversion for people with mental and substance use disorders: Intercept 0. *Behavioral Sciences & the Law*, 35(5-6), 380-395. <https://doi.org/10.1002/bsl.2300>
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Current Situation

- **The Current Situation**

- Each year, the United States locks up more than 130,000 young people under the age of 18 at a total cost of \$6 billion, or an average of \$88,000 per inmate.
- Currently, there are 70,000 juveniles living in correctional institutions.
- A study co-authored by MIT economist Joseph Doyle found that juveniles who were incarcerated for their offenses are 23% more likely to end up in adult jails later in life compared to those who were sentenced to alternates like counseling, rehabilitation, or community service.
- Put another way: 40 percent of kids who went into juvenile detention ended up in adult prison by the age of 25.

EVERYDAY

1,995

**CHILDREN ARE ARRESTED
EACH DAY IN THE U.S.**

Racial injustice in the Juvenile Justice System

- Black youth are burdened by a presumption of guilt and dangerousness — a legacy of our history of racial injustice that marks youth of color for disparately frequent stops, searches, and violence and leads to higher rates of:
 - 1. Childhood suspension, expulsion, and arrest at school
 - 2. Disproportionate contact with the juvenile justice system
 - 3. Harsher charging decisions and disadvantaged plea negotiations
 - 4. A greater likelihood of being denied bail and diversion
 - 5. An increased risk of wrongful convictions and unfair sentences
 - 6. Higher rates of probation and parole revocation

(Equal Justice Initiative, 2017)

Disproportionality

October is Youth Justice Awareness Month
TAKE ACTION

African-American youth are
9 TIMES 

and Latino youth are
4 TIMES 

more likely than white youth to
receive an adult prison sentence
for the **SAME CRIME.** 

PUBLIC OPINION
 **3** OUT OF **4** Americans support requiring the juvenile justice system to reduce racial and ethnic disparities in the system.

CAMPAIGN FOR
YOUTH JUSTICE  www.campaignforyouthjustice.org

The Criminalization
of Young Children
and
Overrepresentation
of Black Youth in the
Juvenile Justice
System
*Abrams, Mizel
and Barnert, 2021*

American juvenile justice system is characterized by the overrepresentation of youth of color that is particularly acute for Black children even at young ages.

Despite policy solutions targeting this problem, the Black-White gap in juvenile justice involvement continues to widen

Overrepresentation of Black relative to White youth persists at each stage of the juvenile justice system.

The State of America's Children® 2020 Youth Justice

In 2018, 728,280 children were arrested in the U.S. (see Table 33). A child or teen was arrested every 43 seconds despite a 63 percent reduction in child arrests between 2009 and 2018.

Although the number of children in the juvenile justice system has been cut in half since 2007, 43,580 children and youth were held in residential placement on a given night in 2017. Nearly 2 in 3 were placed in the most restrictive facilities.²

Another 935 children were incarcerated in adult prisons on any given night in 2017—down from 2,283 in 2007 (see Table 35). An estimated 76,000 children are prosecuted, sentenced or incarcerated as adults annually.³

While many states have made legislative changes to raise the age of juvenile court jurisdiction to 18, five states still automatically prosecute 17-year-olds as adults (Georgia, Michigan, Missouri, Texas and Wisconsin) and all states allow children charged with certain offenses to be prosecuted in adult courts.⁴

The State of America's Children® 2020 Youth Justice

Although 62 percent of children arrested in the U.S. were white, children of color were nearly two times more likely to be arrested than white children.⁵ Black children were two and a half times more likely.

In 2017, the residential placement rate for children of color was more than two times that for white children nationwide and more than four times that for white children in 18 states and the District of Columbia. Black children were committed or detained at nearly five times the rate of white children.⁷

Two-thirds (67 percent) of children in the juvenile justice system were children of color: 41 percent were Black and 21 percent were Hispanic

Children of color are also disproportionately transferred to the adult criminal justice system, where they are tried and prosecuted as adults. In 2017, Black youth represented 54 percent of youth prosecuted in adult criminal court but only 15 percent of the total youth population.⁸ Black youth are nine times more likely than white youth to receive an adult prison sentence; American Indian/Alaska Native youth are almost two times more likely and Hispanic youth are 40 percent more likely

The State of America's Children® 2020 Youth Justice

Boys, youth with disabilities and LGBTQ youth also come into disproportionate contact with juvenile and adult criminal justice systems.

In 2017, the residential placement rate for boys was more than five times that for girls. Eighty-five percent of children in residential placement were male.¹⁰

At least 1 in 3 youth in the juvenile justice system has a disability qualifying them for special education services under the Individuals with Disabilities Education Act (IDEA)—nearly four times the rate of youth in public schools. Less than half receive special education services while in custody.¹¹

The percent of LGBTQ children in the juvenile justice system (20 percent) is more than two times that of LGBTQ youth in the general population (7-9 percent); 85 percent are children of color.¹²

The Criminalization of Young Children and Overrepresentation of Black Youth in the Juvenile Justice System

Abrams, Mizel and Barnert, 2021

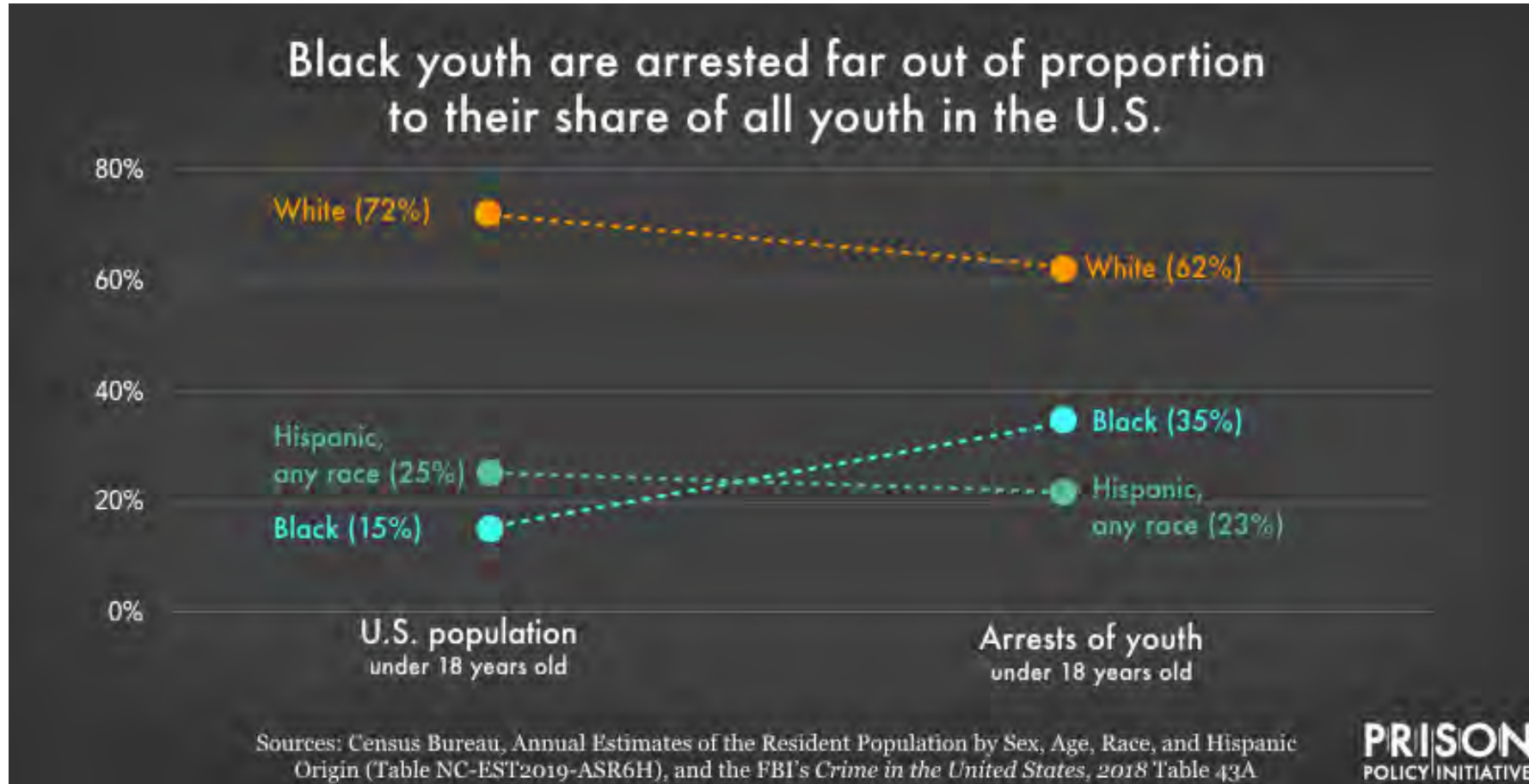
- Although the census of youth in the juvenile justice system overall has declined dramatically over the past 2 decades, the Black-White gap in rates of youth arrests and incarceration have actually increased by an average of 15% (Rovner 2016).
- Federal and state governments, along with progressive philanthropic foundations, continue to invest millions of dollars into addressing Disproportionate Minority Contact (DMC) in the juvenile justice system.
- However, these strategies have had only sporadic success in reducing the overrepresentation of Black youth at every stage of the juvenile justice system (National Juvenile Justice Network 2014).

The Criminalization of Young Children and Overrepresentation of Black Youth in the Juvenile Justice System

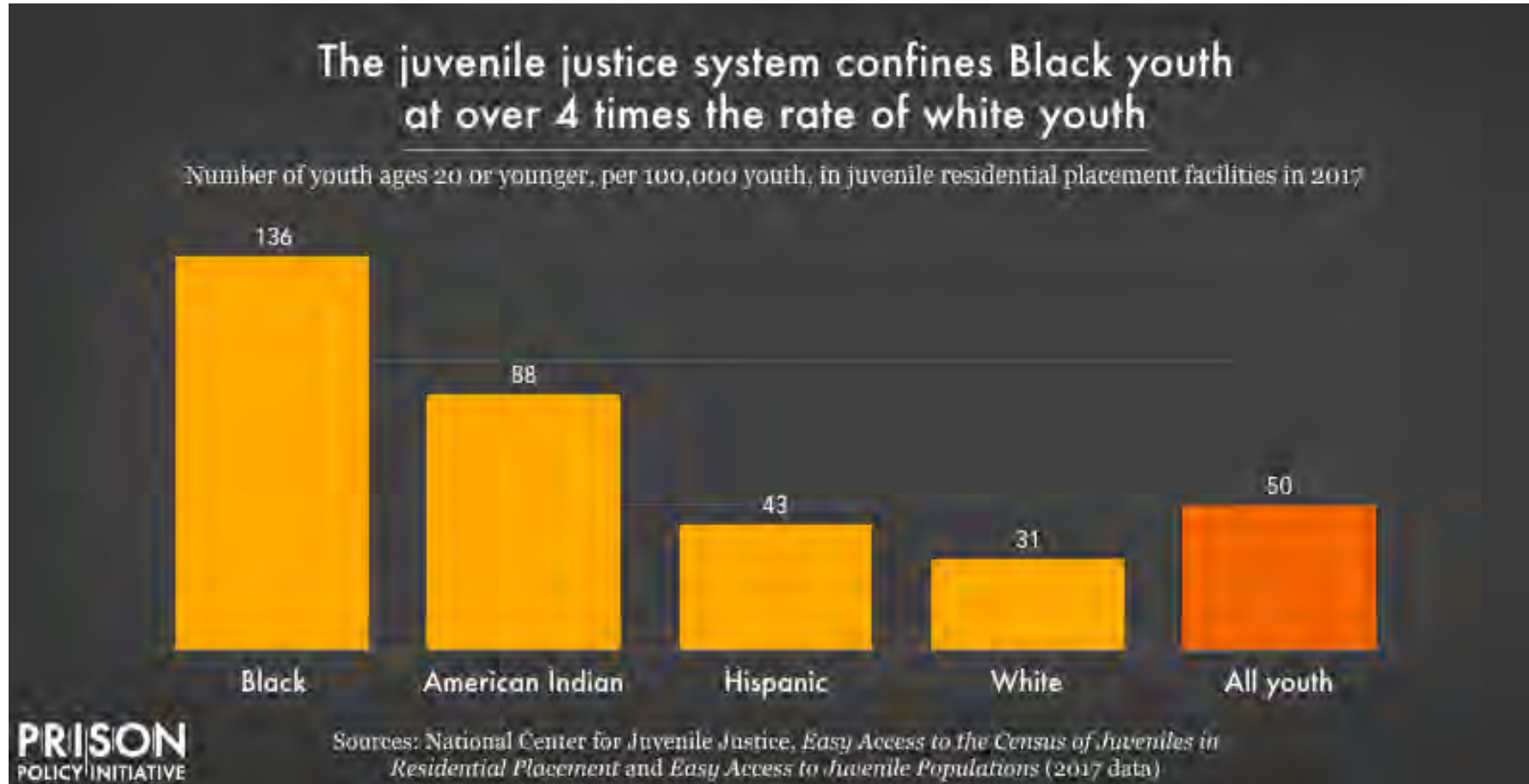
Abrams, Mizel and Barnert, 2021

- Overrepresentation refers to both *racial disproportionality* (e.g., rates of criminal justice involvement do not mirror general population rates) and *racial disparity* (e.g., the legal system sentences or treats Black youth unequally compared to a reference point, typically White youth) (Fong et al. 2014).
- WHY?
 - implicit and explicit biases by system actors (i.e., the police; district attorneys, judges) (Fader et al. 2014)
 - school policing and harsh discipline practices that target Black children (Hughes et al. 2020),
 - over-surveillance and criminalization of “normal” youth behaviors in Black communities (Henning 2012).

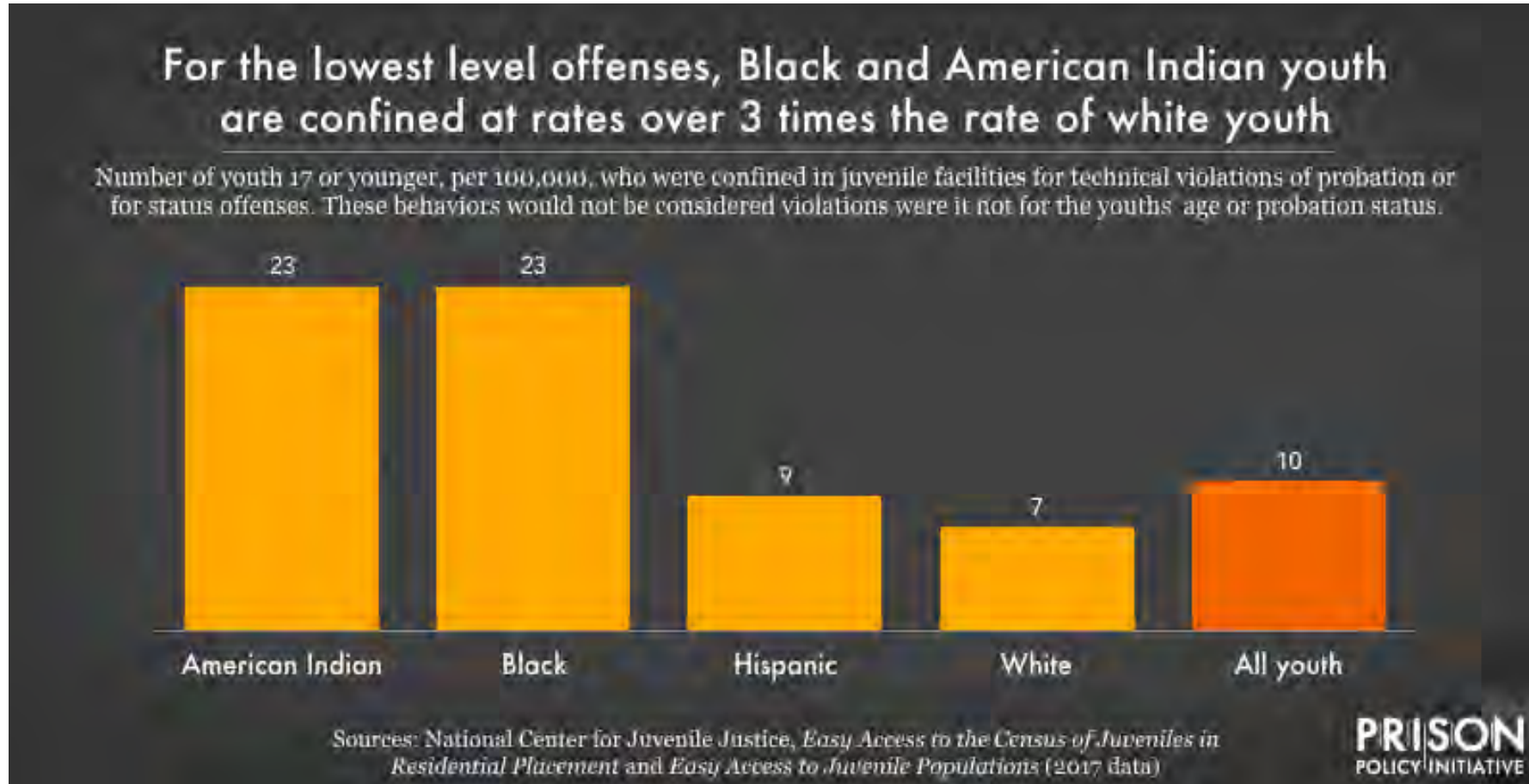
There are racial disparities in the arrest and confinement of youth:



There are racial disparities in the arrest and confinement of youth:



There are racial disparities in the arrest and confinement of youth:



Systemic Racism and Bias: Black Girls

- A 2017 [report](#) out of the Center on Poverty and Inequity at Georgetown Law examines the disparate treatment of Black girls by various system actors:
- Black girls are **2.7 times** more likely than white girls to be referred to juvenile justice and are 1.2 times more likely to be detained.
- Black girls are **three times** more likely to be removed from their homes and placed in state custody than are white girls.
- Prosecutors are **20%** more likely to formally petition in cases involving Black girls than in cases involving white girls.
- Judges consistently hand down more severe dispositions to Black girls than to white girls, even after accounting for seriousness of the offense, prior record, and age.

Systemic Racism and Bias: Black Girls

- A 2017 [report](#) out of the Center on Poverty and Inequity at Georgetown Law examines the disparate treatment of Black girls by various system actors:
- The perception of Black girls as less innocent and more adult-like may contribute to more punitive exercise of discretion by those in positions of authority, greater use of force, and harsher penalties.”

Transfer to Adult Court

- While overall rates of juvenile incarceration have declined across demographic groups, the rates at which Black kids are being transferred to adult courts are among the highest in 30 years of data collection ([National Association of Social Workers, 2018](#)).
- Judicial discretion certainly plays a large role: Black youth make up 47.3% of youth transferred to adult court by juvenile court judges who believe they cannot benefit from the juvenile system, despite making up only 14% of the total youth population.

Transfer to Adult Court

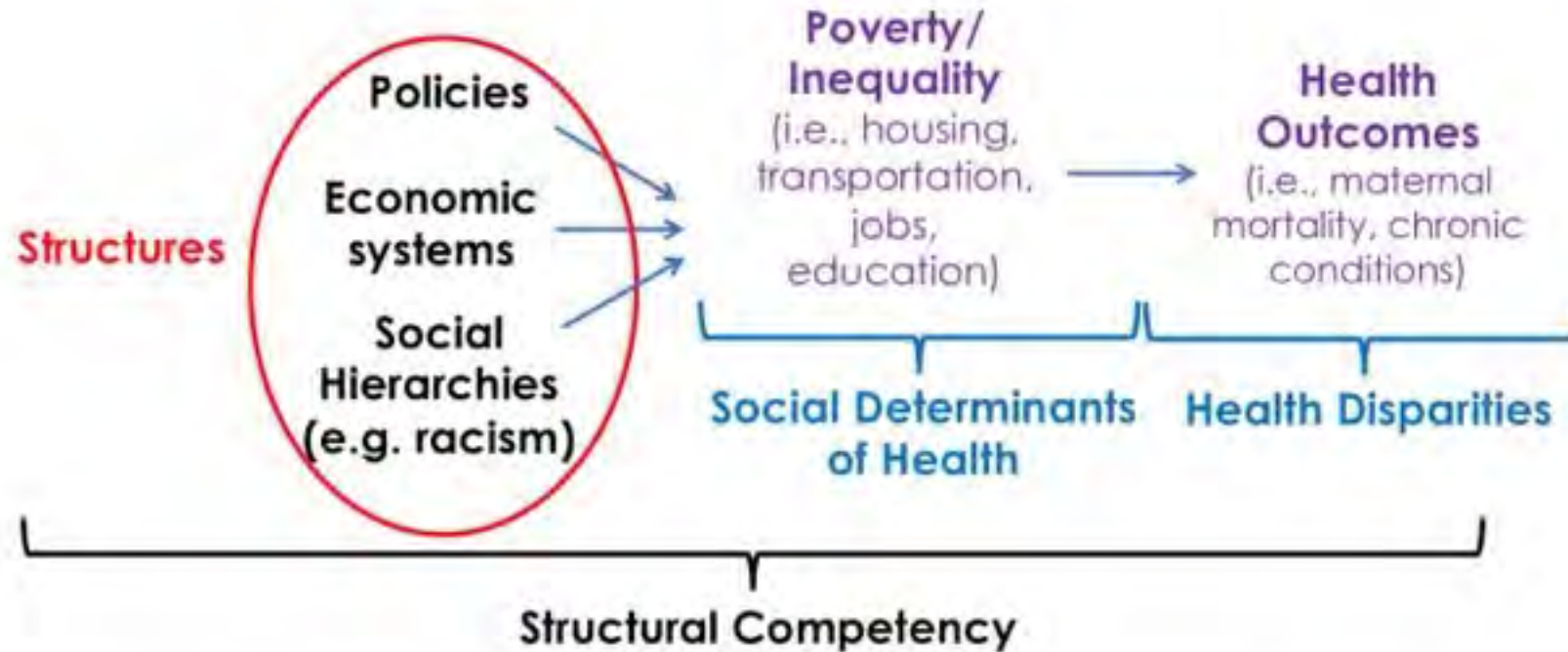
- Black youth made up **67.7%** of mandatory and discretionary direct file transfers in 2016, even though they are only 21% of the youth population.
- Black and Hispanic youth were significantly more likely than their white counterparts to be sentenced to serve time in an adult jail when transferred to adult court.
- Judges gave Black youth prison sentences that were, on average, **7.8% longer** than the prison sentences they gave to white youth for the same type of offense.
- The consequences of these practices, and these disparities, are severe—youth in the adult criminal legal system are more likely to commit suicide, have psychiatric symptoms, and to recidivate than are youth in juvenile facilities.

How Does Incarcerating Young People Affect Their Adult Health Outcomes?

Barnert et al. 2017 Pediatrics

- Data from the National Longitudinal Study of Adolescent to Adult Health (Add Health), a nationally representative survey of US youth sampled from 1994 to 2008.
- Compared with no incarceration, incarceration duration of < 1 month predicted subsequent adult depressive symptoms (odds ratio [OR] = 1.41; 95% confidence interval [CI], 1.11–1.80; $P = .005$).
- A duration of 1 to 12 months predicted worse subsequent adult general health (OR = 1.48; 95% CI, 1.12–1.96; $P = .007$). A duration of >1 year predicted subsequent adult functional limitations (OR = 2.92; 95% CI, 1.51–5.64; $P = .002$), adult depressive symptoms (OR = 4.18; 95% CI, 2.48–7.06; $P < .001$), and adult suicidal thoughts (OR = 2.34; 95% CI, 1.09–5.01; $P = .029$).
- **Cumulative incarceration duration during adolescence and early adulthood is independently associated with worse physical and mental health later in adulthood. Potential mechanisms merit exploration.**

Structural Competency



“Structural determinants of the social determinants of health”



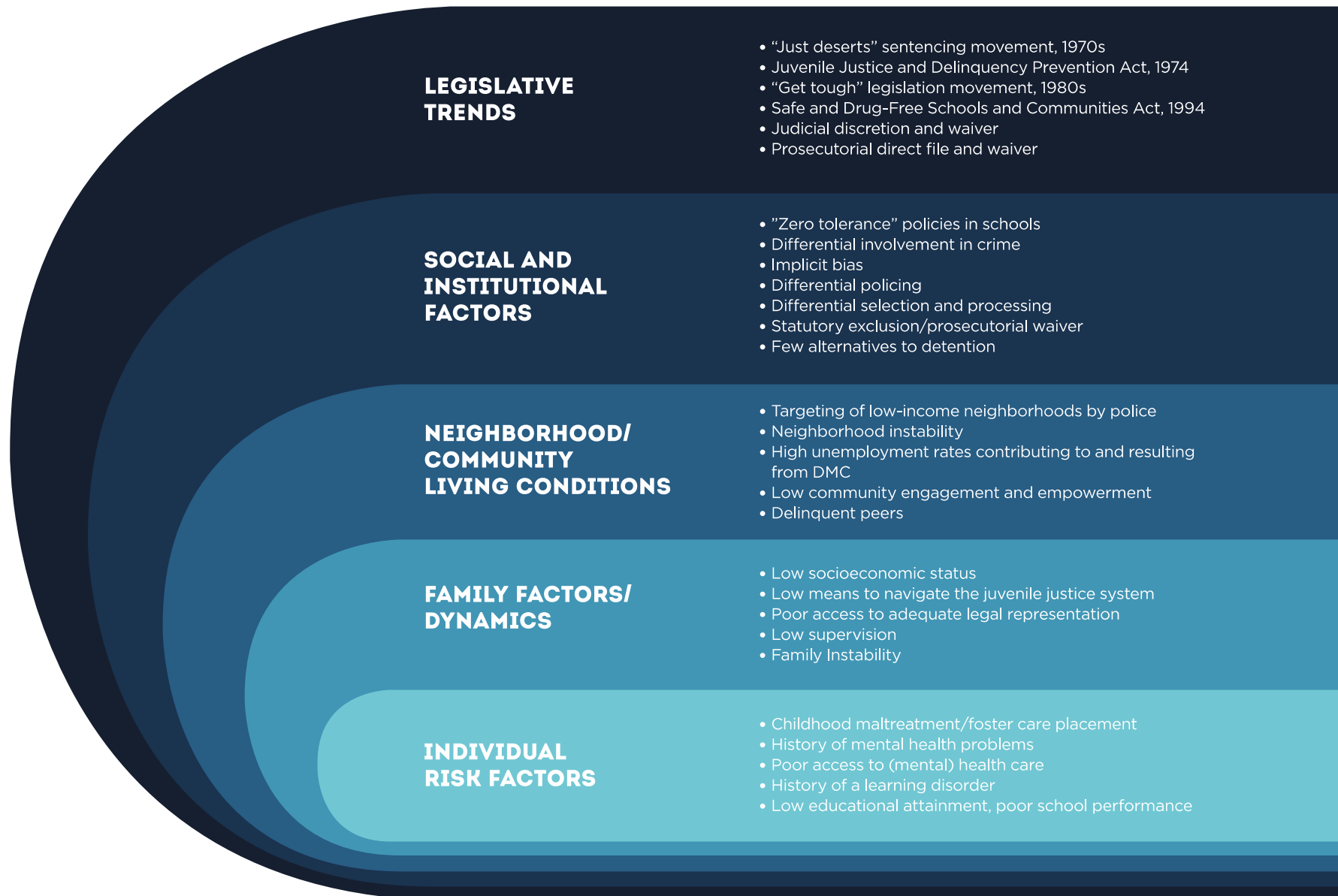


FIGURE 6: ECOLOGICAL FRAMEWORK FOR CONTEXTUALIZING AND CONCEPTUALIZING DELINQUENCY AND DISPROPORTIONATE MINORITY CONTACT

Solutions and Strategies: Focus Juvenile Justice Reform on Disparity Reduction

- **Focus Juvenile Justice Reform on Disparity Reduction**
- **Late last year, Congress passed the Juvenile Justice Reform Act of 2018.** Title II of the bill “gives clear direction to states and localities to plan and implement data-driven approaches to ensure fairness and reduce racial and ethnic disparities, to set measurable objectives for disparity reduction, and to publicly report such efforts.”
- **The bill also implements numerous system improvements which will have a positive impact on all youth in the juvenile justice system.**
- The bill gives clear direction to states and localities to plan and implement data-driven approaches to ensure fairness and reduce racial and ethnic disparities, to set measurable objectives for disparity reduction, and to publicly report such efforts.

Strategies and Solutions Goals for the Juvenile Justice System

Make trauma-informed screening, assessment and care the standard in juvenile justice services

Abandon juvenile justice correctional practices that traumatize children and further reduce their opportunities to become productive members of society

Provide juvenile justice services appropriate to children's ethno-cultural background that are based on an assessment of each child's individual needs

Provide care and services to address the special circumstances and [needs of girls](#).

Strategies and Solutions Goals for the Juvenile Justice System

Provide care and services to address the special circumstances and needs of LGBTQ (lesbian/gay/bisexual/transsexual/questioning) youth

Develop and implement policies in every school system across the country that aim to keep children in school rather than relying on policies that lead to suspension and expulsion and ultimately drive children into the juvenile justice system

Guarantee that all violence-exposed children accused of a crime have legal representation

Help (rather than punish) victims of child sex trafficking

Whenever possible, prosecute young offenders in the juvenile justice system instead of transferring their cases to adult courts

Strategies and Solutions: Trauma-Informed

- **What Exactly is a Trauma-Informed Juvenile Justice System?**
(Based on [*SAMHSA's Concept of Trauma-Informed*](#))
- A trauma-informed juvenile justice system...
 - realizes the widespread impact of trauma and understands potential paths for recovery
 - recognizes the signs and symptoms of trauma in clients, families, staff, and others involved with the system
 - responds by fully integrating knowledge about trauma into policies, procedures, and practices
 - seeks to actively resist re-traumatizing already-traumatized children
- Some juvenile justice systems across the country are committed to this approach. They're talking about parent and caregiver trauma, and how best to reach and engage families in the process. They're also developing best practices in cross-system collaboration with child welfare, the education system, and healthcare providers. They're trying to break down the barriers to 'continuity of care' while still respecting established privacy legislation.

The History of Juvenile Justice in California

- Since the establishment of California as a State in **1850**, juveniles have been incarcerated.
 - Due to the lack of knowledge and establishment of places to hold juveniles, young boys as young as **12, 13, and 14** were sent to San Quentin and Folsom State Prison.

State of
California

1850

Establishment of Juvenile Halls

- It was until **1907** that all juveniles under the age of 18 were transferred out of San Quentin by legislative decree.
- In **1909** Juvenile Halls were established.
- In **1929** the Probation Office was created under the State Department of Social Welfare.

State of
California

Juvenile
Halls

1850

1907 -
1929

California Youth Authority (CYA)

- In **1941** the state adopted the **Youth Corrections Authority Act** through which the **California Youth Authority (CYA)** was created.
- During the **1960's-1970's** California was a leading state in Juvenile Justice by focusing on therapeutic innovations, offender classification, and its commitment to community-based corrections programs.
- However, in the **1980's** political climate turned to **“tough on crime”** which lead to a focus on punishment and defunding of rehabilitation efforts. These changes increased juvenile incarceration.

State of
California

1850

Juvenile
Halls

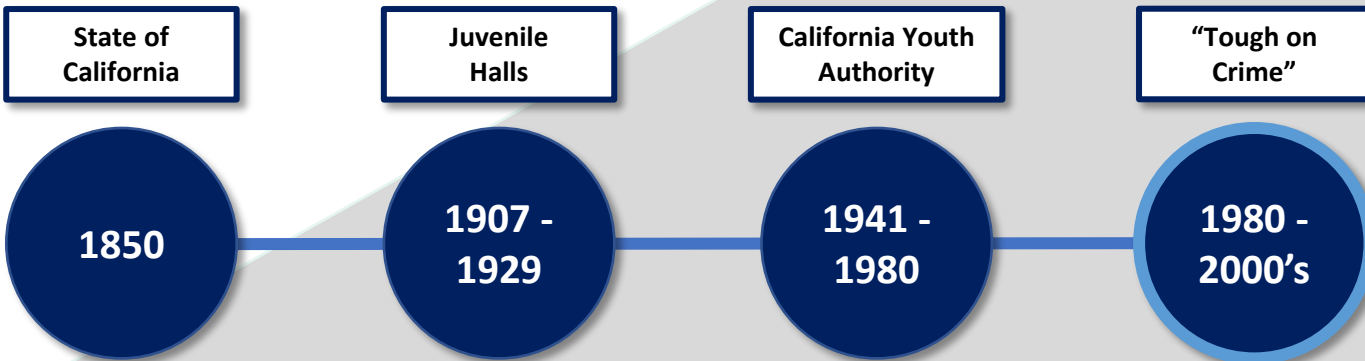
1907 -
1929

California Youth
Authority

1941 -
1980

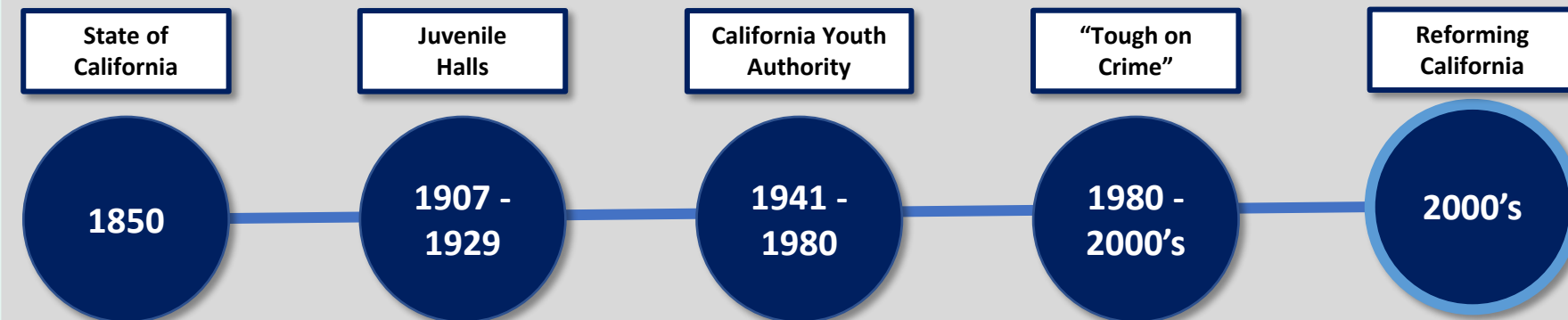
Overcrowding and Dangerous Conditions

- By **1996**, the CYA population exceeded over **10,000** youths. The lengths of detention were longer and conditions harsher.
- In **2003**, as conditions worsen within CYA and a series of suicides gained media attention a lawsuit was filed against the **Department of Juvenile Justice (DJJ)**.
- In **2004**, Gov. Arnold Schwarzenegger settled the lawsuit now known as **Farrell v. Beard** and it concluded in America's most extreme Juvenile Justice remedial plan.



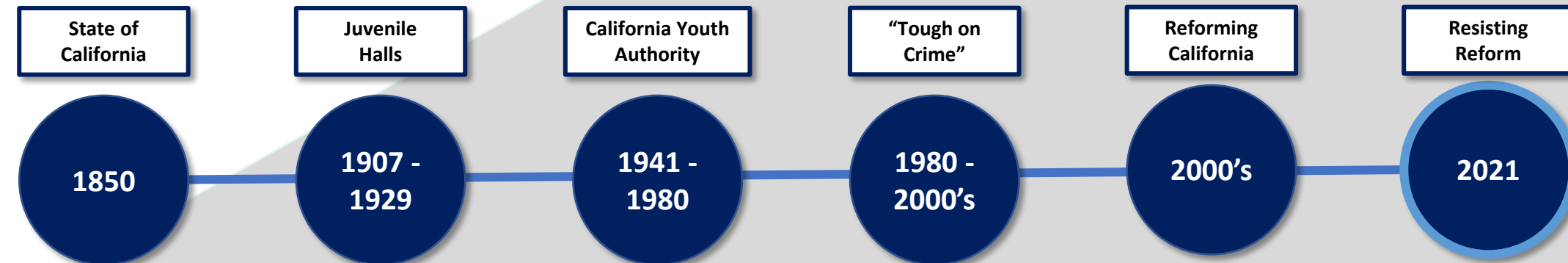
Recent Reforms and Continuing Concerns

- By **2010**, some of the CYA facilities began to close due to its conditions resembling those of adult prisons.
- By **2013**, the DJJ population fell below 680 incarcerated youth with the legislature enacting laws that encouraged counties to hold non-violent, non-sexual offenders in community programs.
- In **2014**, the DJJ had met most of the requirements set out by the 2004 settlement in the areas of safety, welfare, health, dental care, education, disability rights, and effective programs for sex offenders but there still had been little to no progress in the area of mental health.



Resistance to Reform

- For years DJJ staff have embraced the **“tough on crime”** mentality that has lead them to implement adult correctional conditions and treatments.
- Over the decades DJJ has become more isolated from Juvenile Justice professionals therefore very little research and evaluation has been done.
- In **Los Angeles County**, the board of supervisors have enacted recommendations from outside groups that recommend the elimination of chemical spray (OC spray), in addition to establishing **Probation Oversight Commission**.



Reimagining Youth Justice

- A report entitled **Youth Justice Reimagine** outlined a series of phases that the LA County Board of Supervisors is planning to implement by **2030**. The phases include Restorative and Trauma-Informed training of staff, alternative sentencing, and funding of more community based programming that offer safe havens to youth 24/7.
- Despite the reduction of juvenile incarceration, LA County leaders note that the propensity of **Black, Indigenous, and other young people of color continue to make up the majority of incarcerated youth**.
- As we embark on the new trajectory of Juvenile Justice, inequities, racism, microaggressions, and oppression has to continue to be an **intentional conversation** and not an afterthought of the damage.





Youth Justice Reimagined

October 15, 2020



A Youth Justice Group... to explore the transitioning of Los Angeles County's (County's) juvenile justice system out of the Probation Department into another agency, with the goal of creating a rehabilitative, health-focused and care-first system.



Systems centered on healing and growth are essential for improving the well-being of young people.



Shifting towards a rehabilitative, care-first model is not just ideal, it is necessary, and likely requires a different structure and framework to achieve.



If the County is to meet its obligation of adequately addressing the rehabilitative needs of the youth in its care, it must acknowledge that the juvenile camps and halls model is fundamentally flawed, and that housing supervision and services within an agency with a law enforcement orientation may be counterproductive.



YJWG Assignment # 2
A recommendation on the best place in the County (existing or newly created) for responsibility of youth probationers, including considerations of a health-related department or youth serving department.



If the County is to meet its obligation of adequately addressing the rehabilitative needs of the youth in its care, it must acknowledge that the juvenile camps and halls model is fundamentally flawed, and that housing supervision and services within an agency with a law enforcement orientation may be counterproductive.



YJWG Assignment # 1
The relevant legal, budgetary, staffing, oversight, and/or legislative and policy issues that need to be resolved in order to move the juvenile side of the Probation Department into another department or agency.



YJWG Assignment # 2
A plan for ensuring this new system meaningfully different in operational outcomes from the current system, in with recommendations made by the Pre-Reform and Implementation Team's considerations, operations, and create reduce incarceration and increase diversion and alternatives to detention programs.



A Youth Justice Group... to explore the transitioning of Los Angeles County's (County's) juvenile justice system out of the Probation Department into another agency, with the goal of creating a rehabilitative, health-focused and care-first system.

If the County is to meet its obligation of adequately addressing the rehabilitative needs of the youth in its care, it must acknowledge that the juvenile camps and halls model is fundamentally flawed, and that housing supervision and services within an agency with a law enforcement orientation may be counterproductive.



High Level Feedback on Youth Justice Reimagined

- ✓ More Clarity and Justification.
- ✓ More nuanced language for relationships between the model and justice partners.
- ✓ More details about how diversion will be expanded.
- ✓ More details and clarification on phasing.

High Level Feedback on Youth Justice Reimagined

Conflicting Feedback	Response
<p>More explicit commitment to equity and racial justice. vs. Concern that language was too explicit or uncomfortable.</p>	<p>Held that naming “white supremacy” is critical for addressing structural racism and aligns with the values of the YJWG and County’s Anti-Racism Initiative.</p>
<p>Functions should transition to the new model more quickly. vs. Recommended transitions were too quick.</p>	<p>Moved some elements to earlier phases and moved others to later phases after capacity is built—balancing sense of urgency with time required to build new infrastructure.</p>
<p>Proposal does not go far enough in scope. vs. Proposal goes too far beyond Juvenile Probation.</p>	<p>Reimagining youth justice requires broader change-need reforms in other justice agencies and child-serving systems for youth and their communities to achieve safety and well-being.</p>
<p>Need more specific detail about reallocation of resources vs. requests to remove specific funding sources or timing</p>	<p>Kept initial budget proposal but clarified that specific sources of funding will require further assessment by County.</p>



Overview of Youth Justice Reimagined: Long Term Vision

By 2030, all young people in Los Angeles County have access to youth development resources and opportunities that promote their well-being and safety and that of their families and communities. In every community, systems are accountable to the people they impact, address the root causes of conflict and harm, and meaningfully empower young people to build accountability and responsibility to repair harm.

Youth Justice Reimagined: Reducing Need For Justice System

- **Proactive Investment in Community Safety**
 - All youth have access to 24-hour youth and community centers with high quality activities and services in their communities that support their health, social, cognitive and creative, vocational, environmental, and leadership competencies.
- **Support for Schools and Other Systems**
 - Schools are supported in building their capacity for Youth Development and restorative practices.
- **Crisis Response and Intervention**
 - Goal of this crisis response model is to increase short- and long-term safety for both the youth and any person who has been harmed as well as the broader community. Crisis response includes supportive services provided by Peacebuilders, Credible Messengers, and restorative justice practitioners who work to repair harm as a network of 24-hour crisis response and accountability connected to YCC's.

Youth Empowerment and Support (YES) Teams

- Further design and planning will be critical to implementing YES Teams.
- Operates out of the 24-hour Youth and Community Centers.
- YES Teams can include: Peacebuilder, Credible Messenger, family member, social worker, peer advocate, RJ/TJ Practitioners, community member and, in some cases, medical professionals and justice partners.
- Potentially 3 sub-teams:
 - Team A: First/Emergency/Crisis Responders
 - Team B: Resource and Accountability Facilitators: Create care plans
 - Team C: Legal Advocacy Support: Collaborative decision-making in legal continuum
- Confidentiality agreements are in place to safeguard the youth's due process.



Responses to Harm

- **“Off ramps” that eliminate the need for the youth to interface with the courts are embedded in the process at multiple decision-making points.**
 - **Initial Reporting and Response**
 - YES Teams respond with or without law enforcement
 - **Youth and Community Safety**
 - YES Team ensures safety and support
 - Youth may go home, referred to diversion program or taken to YCC or Safe and Secure Healing Center
 - **Care Plan and Coordination**
 - YES team develops care plan for youth
 - YES team also works with person harmed and begins restorative process if all agree

Responses to Harm

- **Collaborative Review and Decision Making**
 - If case is serious, YES Team works with justice partner to provide input on next steps in legal continuum
 - Physical structure of court adheres to Youth Development principles and cultural responsiveness
- **Community-rooted support**
 - Culturally responsive support rooted in community and Youth Development replaces probation supervision – Includes Credible Messengers
- **Safe and Secure Healing Centers**
 - For small # of youth removed from home, placements are small, home-like and healing centered
- **Secure Alternative to Division of Juvenile Justice (DJJ)**
 - Youth that would have otherwise been subject to DJJ are addressed through a holistic, trauma-informed approach focused on healing, enhancing public safety and RJ.



Budget

- 1. Shrink the existing footprint of Juvenile Probation by equitably reducing the need for judicial intervention.**
 - Maximize pre-arrest diversion by establishing referral partnerships with every law enforcement agency in the County.
 - End Probation-led diversion efforts, including Probation’s Citation Diversion Program and WIC 654 Diversion and begin to eliminate School-Based Probation Supervision and replace with appropriate, needed community-based supports
- 2. Transition existing functions of Juvenile Probation that do not require legislative changes.**
 - Transition the JJCC’s administrative function to the new Department.
 - Identify staff and corresponding funding from Juvenile Probation that will transition to the new Department.

Outline of Phase 1 Budget for Youth Justice Reimagined

Funding Need	Cost
Staffing	\$15,000,000
Community-Based Programming	\$55,000,000
Consulting Services & Supplies	\$5,000,000
Total Cost	\$75,000,000

Workforce

1. **Redefinition** of the primary job and job qualifications of a youth development workforce, and development of that workforce to provide care, compassion and safety within a youth justice system.
2. **Reductions** in probation workforce and budget, and **reinvestment** in a youth development workforce and labor transitions and support.
3. **Create a labor support and transition planning process** immediately, including to discuss complex issues related to the size of a YD workforce and equity in public and private sector jobs.



Legal

1. Duties and authorities of Chief Probation Officers and probation officers
2. Relations with Labor Bargaining Units
3. Existing and Alternative Youth Facilities
4. Shared Decision-making body
5. Data and Information Collection and Sharing
6. Duration of System-Involvement
7. Diversion Eligibility
8. Administration and Reallocation of Funding
9. Accountability Mechanisms



Youth Justice Reimagined: Three Phases

Phase 1

Establishing Infrastructure and Initial Administrative, Program and Planning Capacity

- Reallocate at least \$75 million of Probation funds to establish DYD.
- Expand YDD's pre-arrest diversion network countywide.
- First YDD and then DYD continue planning for the implementation of an improved alternatives to DJJ, Safe and Secure Healing Centers and YCCs.
- First YDD and then DYD develop YDLC to facilitate shared learning and capacity building for youth development.

Phase 2

Transitioning Transformed Functions to YJR and Capacity-building

- Reallocate additional Probation funds to DYD for continued development of the YDN.
- Establish an initial cohort of 24-hour YCCs, launch YES Teams, Transfer facilities to DYD and expand the Safe and Secure Healing Centers model.
- Coordinate a comprehensive continuum of reentry services for youth exiting detention and incarceration.

Phase 3

Full Transition to Youth Justice Reimagined

- Reallocate additional Probation funds to DYD for continued development of the YDN
- Advance countywide Youth Development Priorities.
- Continue expanding the 24-hour network
- Fully fund restorative alternatives to supervision and integrate YES Team input at all key decision points.
- Close remaining halls and camps as Safe and Secure Healing Centers expand.



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- UCLA Center for Study of Racism, Social Justice & Health, COVID-19 Task Force on Racism & Equity, Dr. Chandra Ford, and Dr. Bitá Amani
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- UCLA CSE Lab
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How the Science of Adolescent Brain Development Informs Legal Policy

**Laurence Steinberg, Ph.D.
Department of Psychology
Temple University**

Disclosure

I have no relevant financial relationships to disclose.

I do not intend to discuss an off label/investigative use of a commercial/product/device

Objectives

- To inform your understanding of the ways in which landmark Supreme Court opinions drew on the science of adolescent development
- To inform your understanding of the legal issues surrounding juvenile culpability
- To educate you about recent developments in adolescent brain science
- To educate you about the ways in which adolescents differ from adults in legally-relevant ways

Landmark Cases Involving Science of Adolescence

- ***Roper v. Simmons* (2005)**
 - Abolished the juvenile death penalty
- ***Graham v. Florida* (2010)**
 - Prohibits JLWOP for crimes other than homicide
- ***Miller v. Alabama* (2012)**
 - Prohibits mandatory JLWOP for all crimes
- ***Montgomery v. Louisiana* (2016)**
 - Makes *Miller* retroactive

Evolution of Supreme Court's Use of Adolescent Brain Science in Cases About Juvenile Culpability

- **Pre-Roper**
 - No mention
- **Roper (2005)**
 - Mentioned in oral arguments
- **Graham (2010)**
 - Mentioned in opinion, in passing
- **Miller (2012)**
 - Mentioned in opinion, in some detail

Proportionality Analysis

- Degree of punishment should be in proportion to the nature and circumstances of the crime
 - Harm caused by the crime
 - Blameworthiness of perpetrator

Legal Issues

- **Does developmental immaturity mitigate juveniles' blameworthiness?**
 - Does the punishment violate the Eighth Amendment's prohibition of "cruel and unusual punishment"?
- **Should the punishment be prohibited categorically or decided on a case-by-case basis?**
 - Juvenile death penalty: Categorical Ban (Roper)
 - JLWOP for non-homicides: Categorical Ban (Graham)
 - JLWOP for homicide: Case-By-Case (Miller)

Problems with the Miller Decision

- **What criteria should be used to sentence someone to LWOP?**
 - Inability to reliably predict future violence
- **Irrelevant factors unconsciously influence sentencing decisions**
 - Race
 - Physical appearance and attire
 - Demeanor

Post-Miller Difficulties

■ If not LWOP, then what?

- Life sentences with parole still permitted
- Very long sentences still permitted (although some states have put limits on this)

■ How do we apply Miller retroactively?

- Are individuals currently serving LWOP for crimes committed as juveniles entitled to resentencing?
- If so, what criteria should be used for resentencing?

■ After Jones v. Mississippi, what criteria are used for determining amenability to rehabilitation

- Permanent incorrigibility
- Transient immaturity

Why Are Juveniles Inherently Less Culpable Than Adults?

- Immature judgment leads to “impetuous and ill-considered decisions”
- Susceptibility to external influences, especially peer pressure
- Unformed character makes adolescents better candidates for rehabilitation

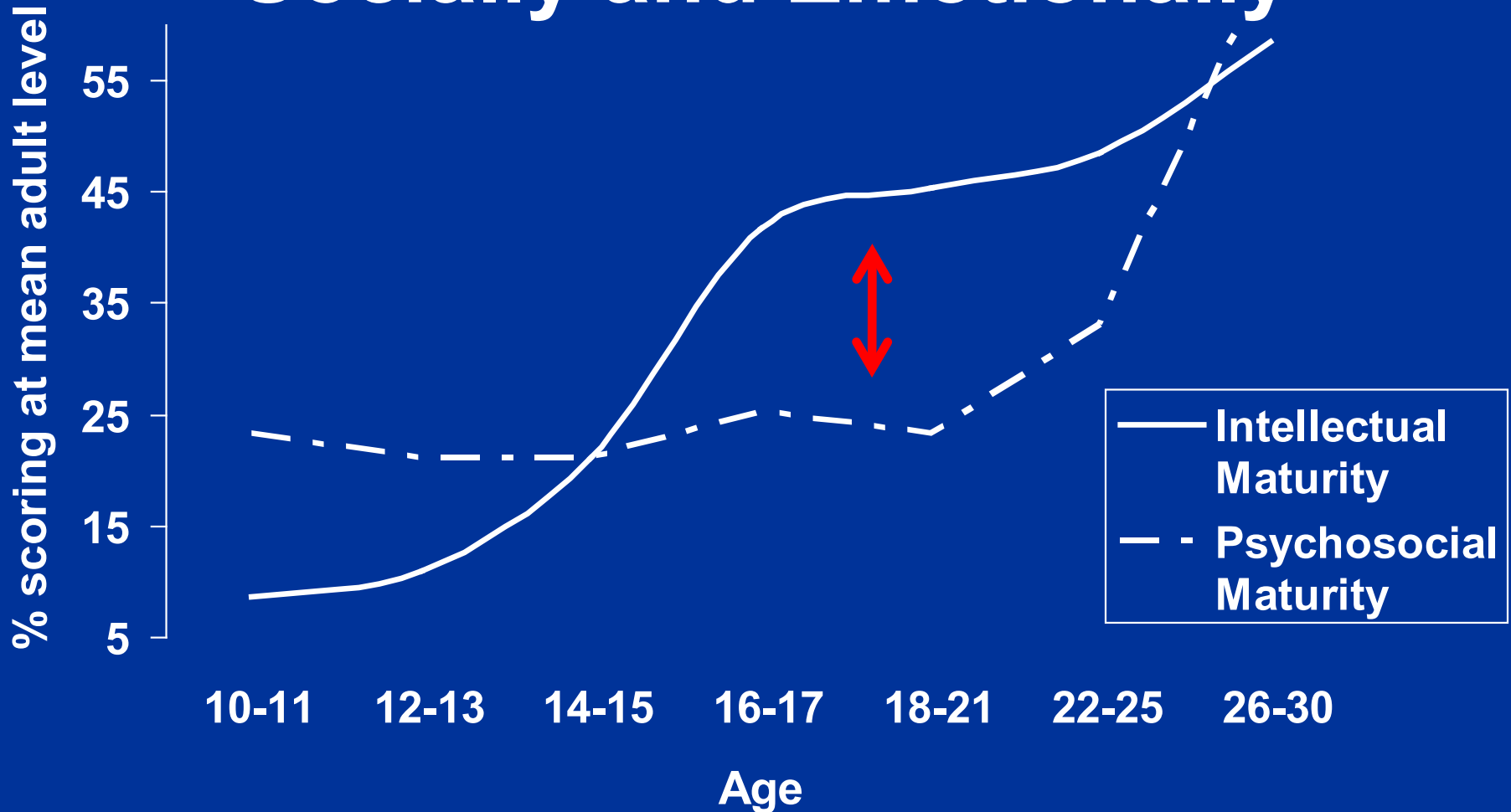
Major Changes in Brain Structure

- Synaptic pruning of prefrontal cortex
- Changes in density and distribution of dopamine receptors
- Increased myelination of prefrontal cortex
- Increased connectivity between cortical and subcortical regions

Major Changes in Brain Function

- Strengthening of systems supporting self-control
- Heightened striatal activity in response to anticipated rewards
- Strengthening of systems supporting “mentalizing”
- Increase in functional connectivity

Individuals Mature Intellectually Before They Mature Socially and Emotionally



Steinberg et al., 2009

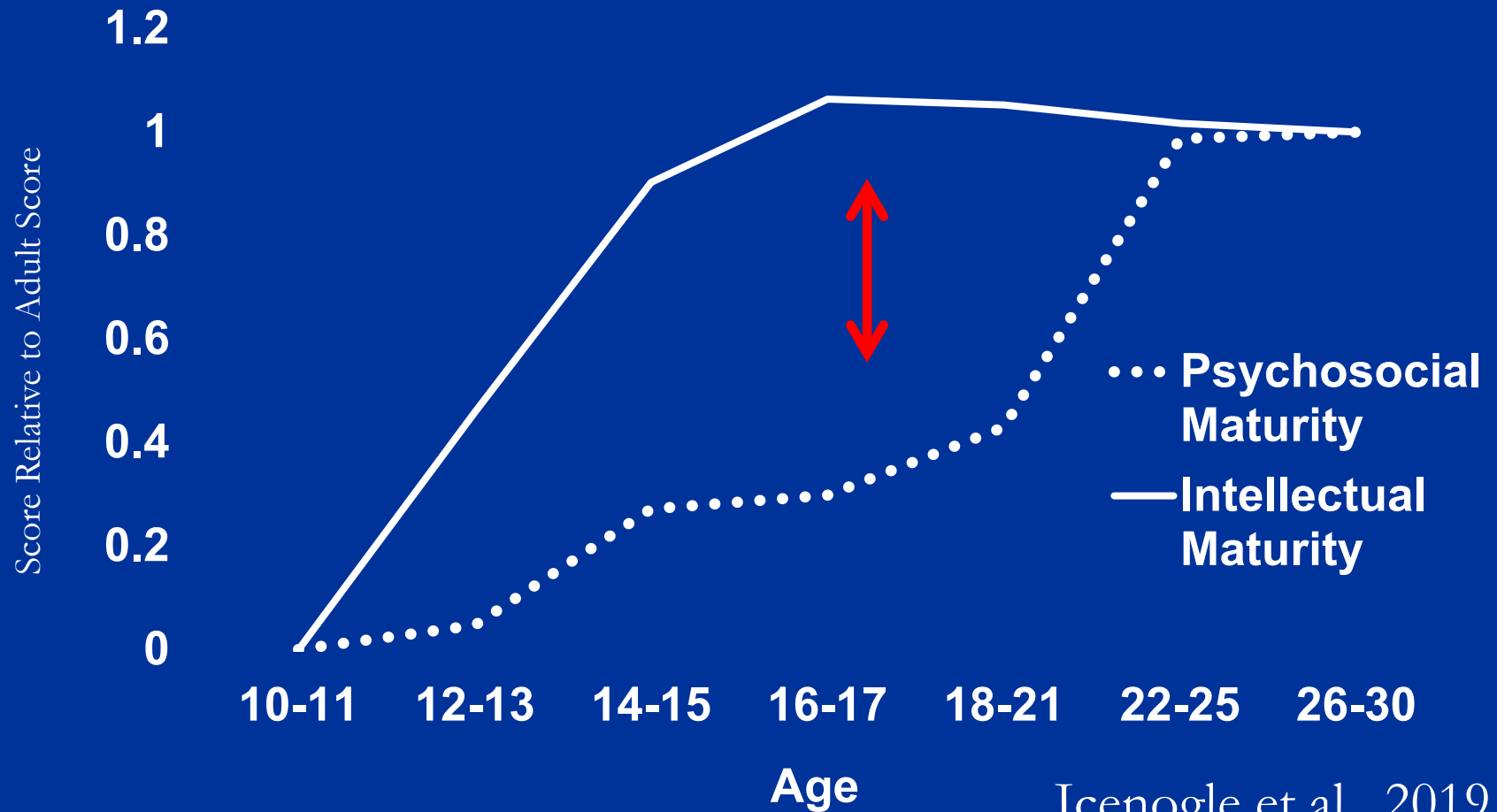




Cross-Cultural Replication

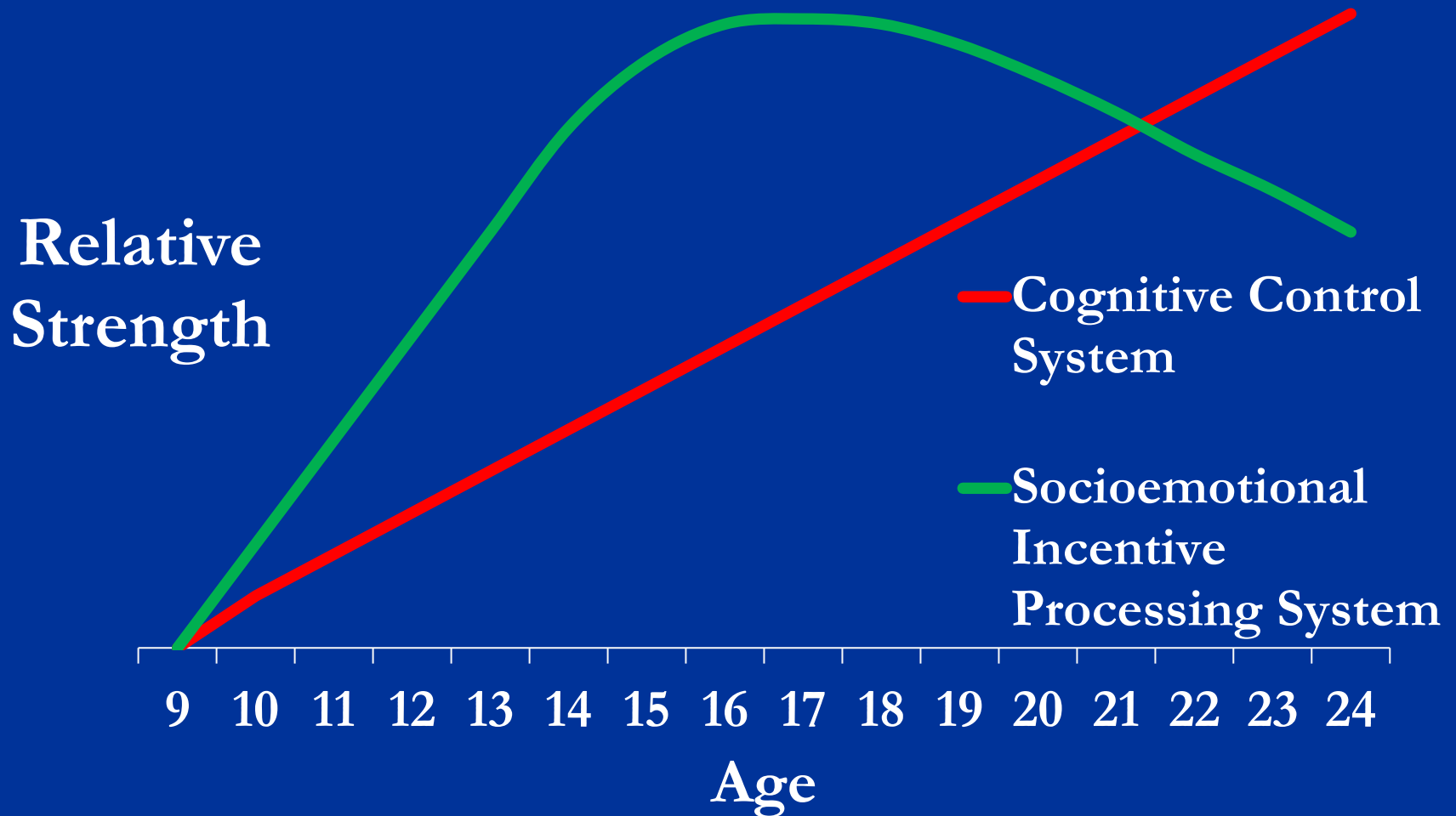
- China (Shanghai)
- Cyprus (Nicosia)
- Colombia (Medellin)
- India (Delhi)
- Italy (Naples/Rome)
- Jordan (Amman)
- Kenya (Maseno)
- Philippines (Manila)
- Sweden (Trollhattan)
- Thailand (Chiang Mai)
- United States (Durham)

The Maturity Gap is Not Unique to American Teenagers



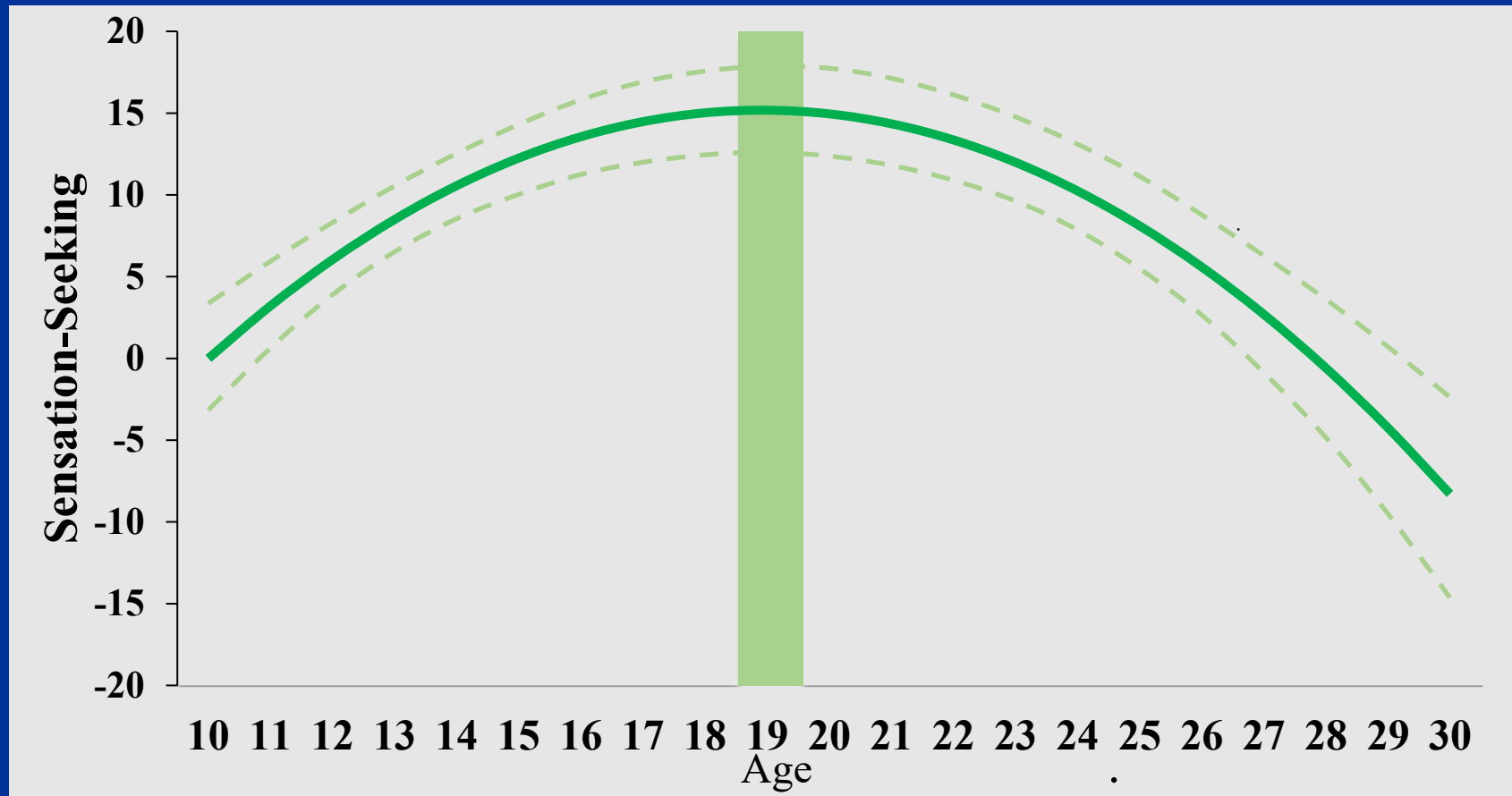
Explaining the Gap

The Dual Systems Model



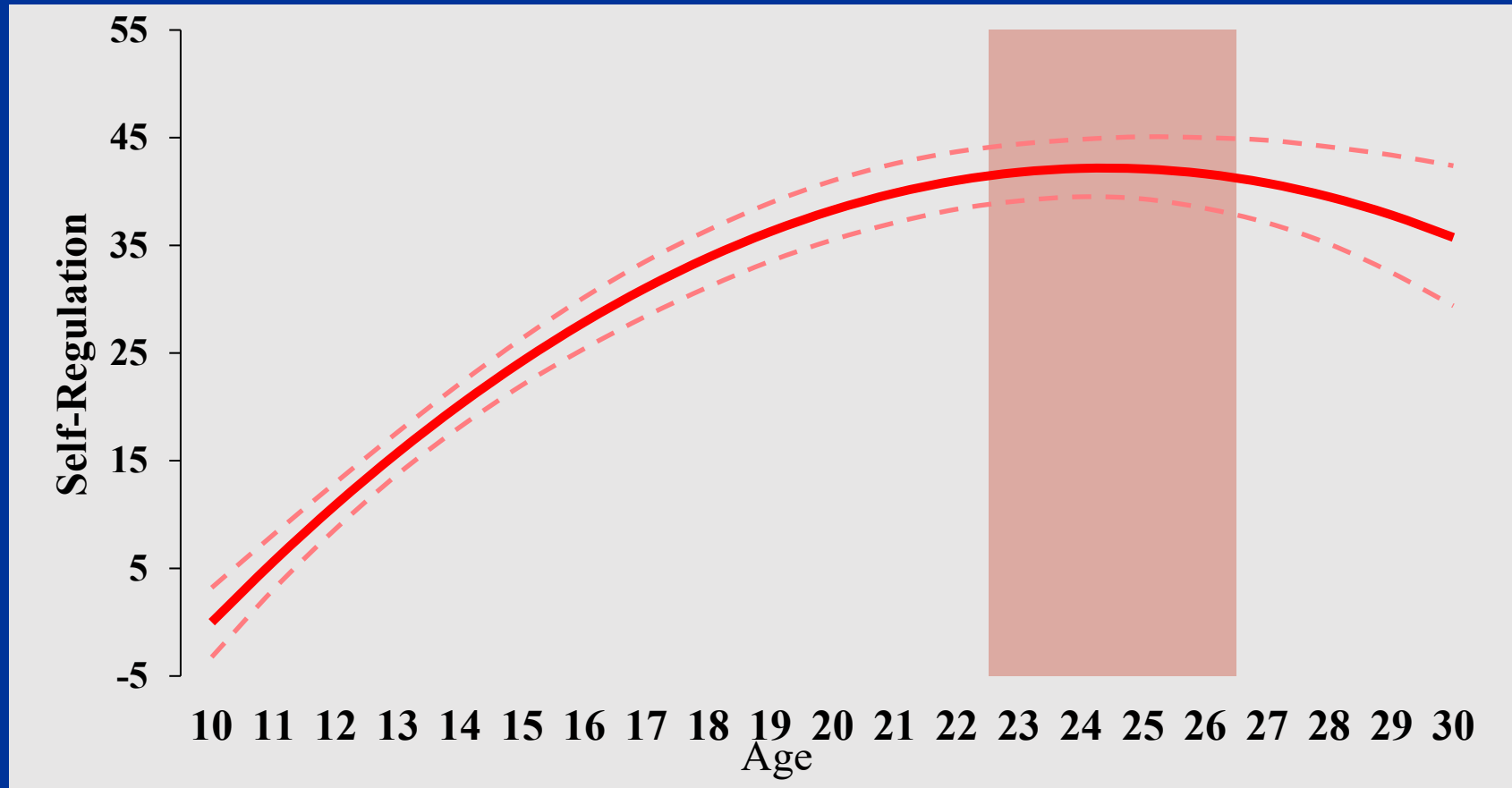
Steinberg, 2013

Age Differences in Sensation Seeking in an International Sample

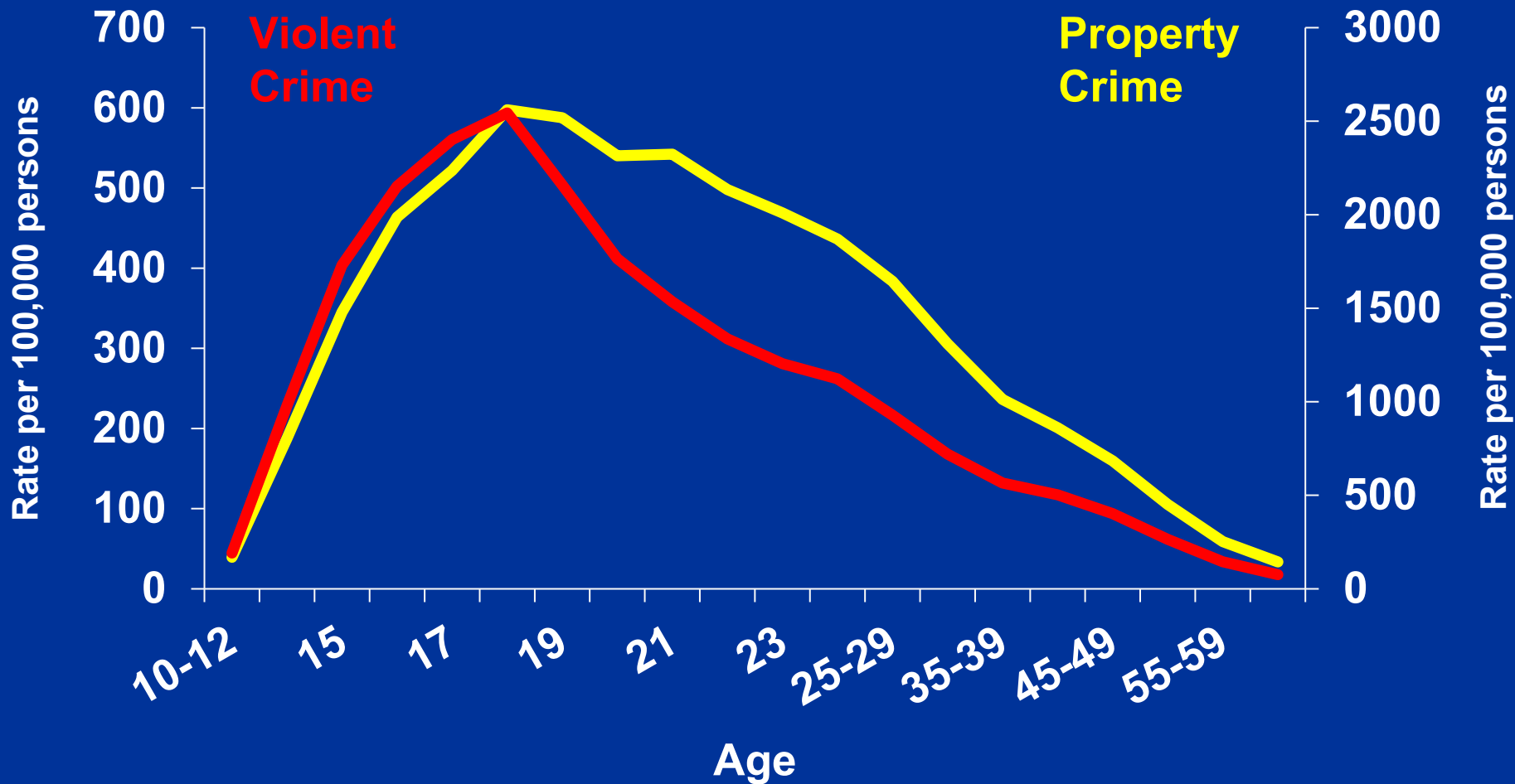


Steinberg et al., 2018

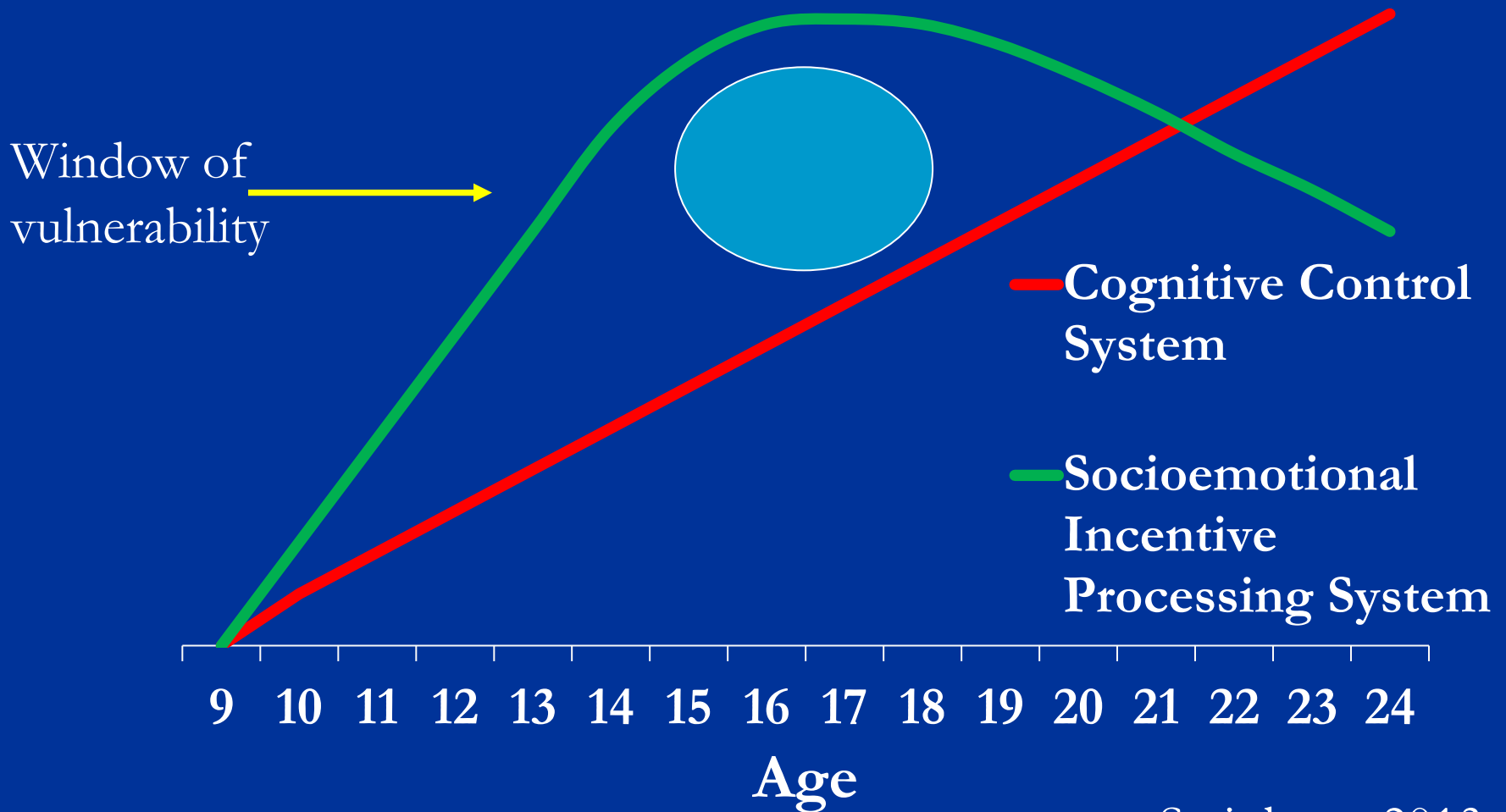
Age Differences in Self-Regulation in an International Sample



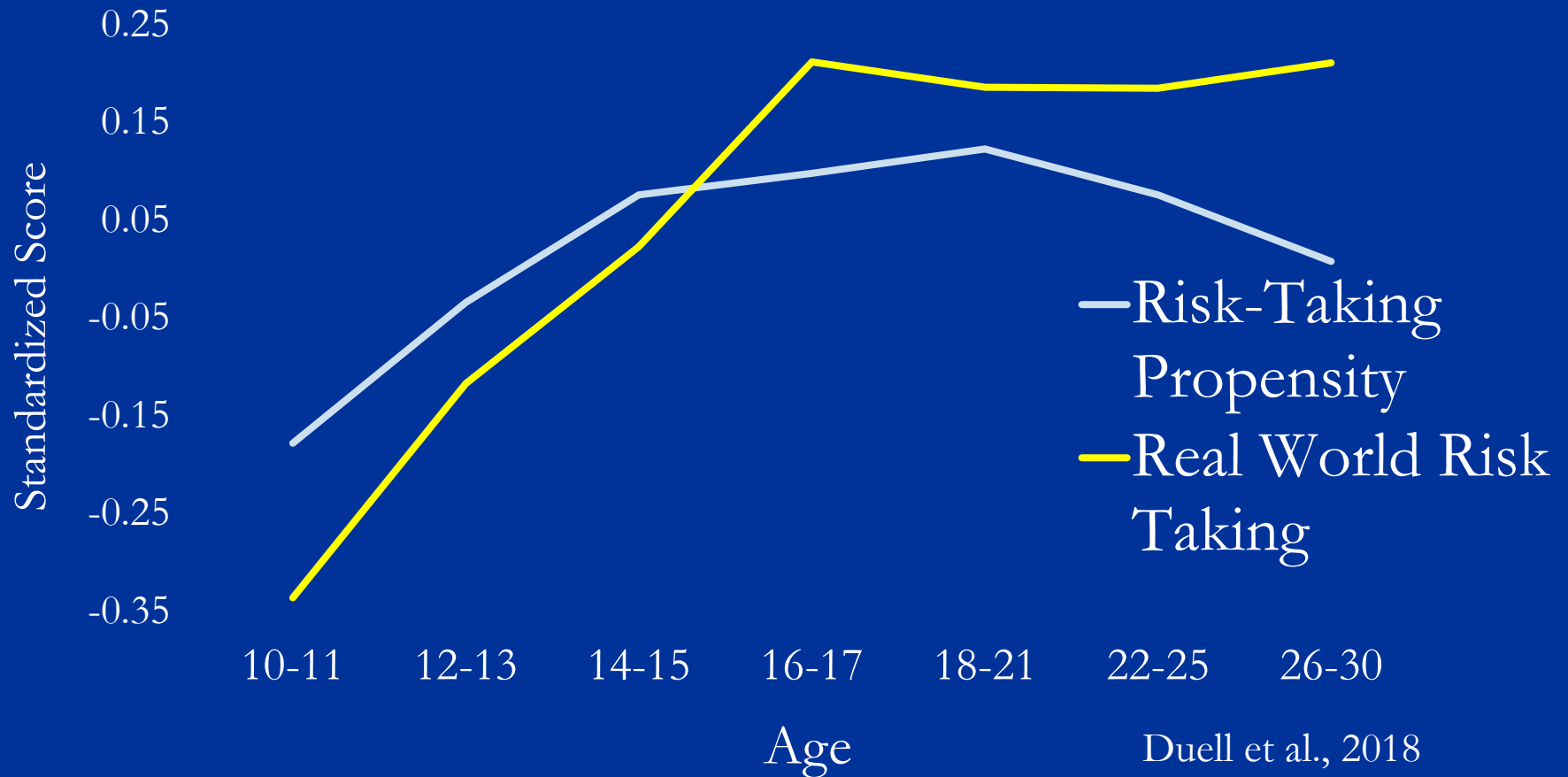
The Age-Crime Curve



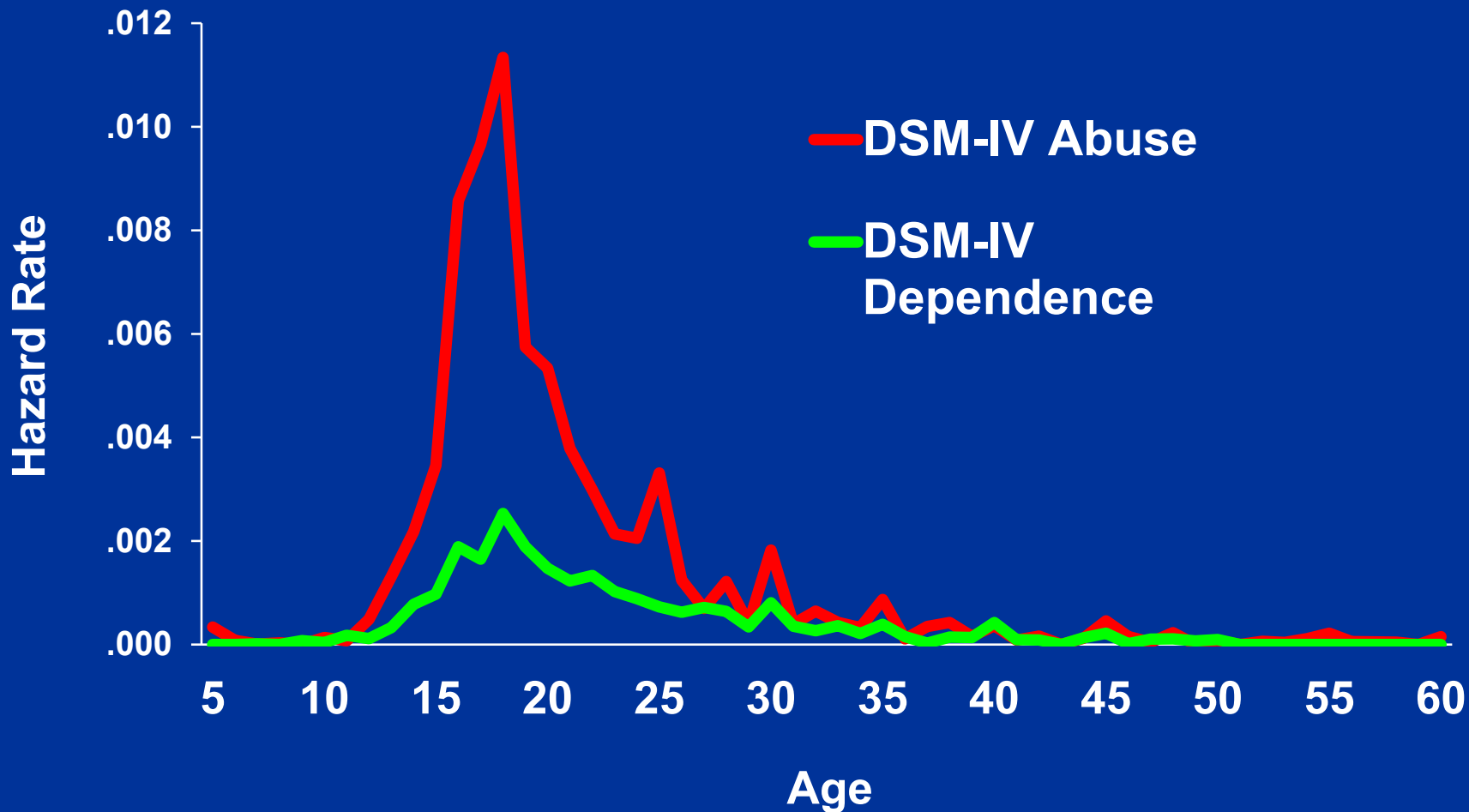
The Age-Crime Curve is Really an “Age-Risk Curve”



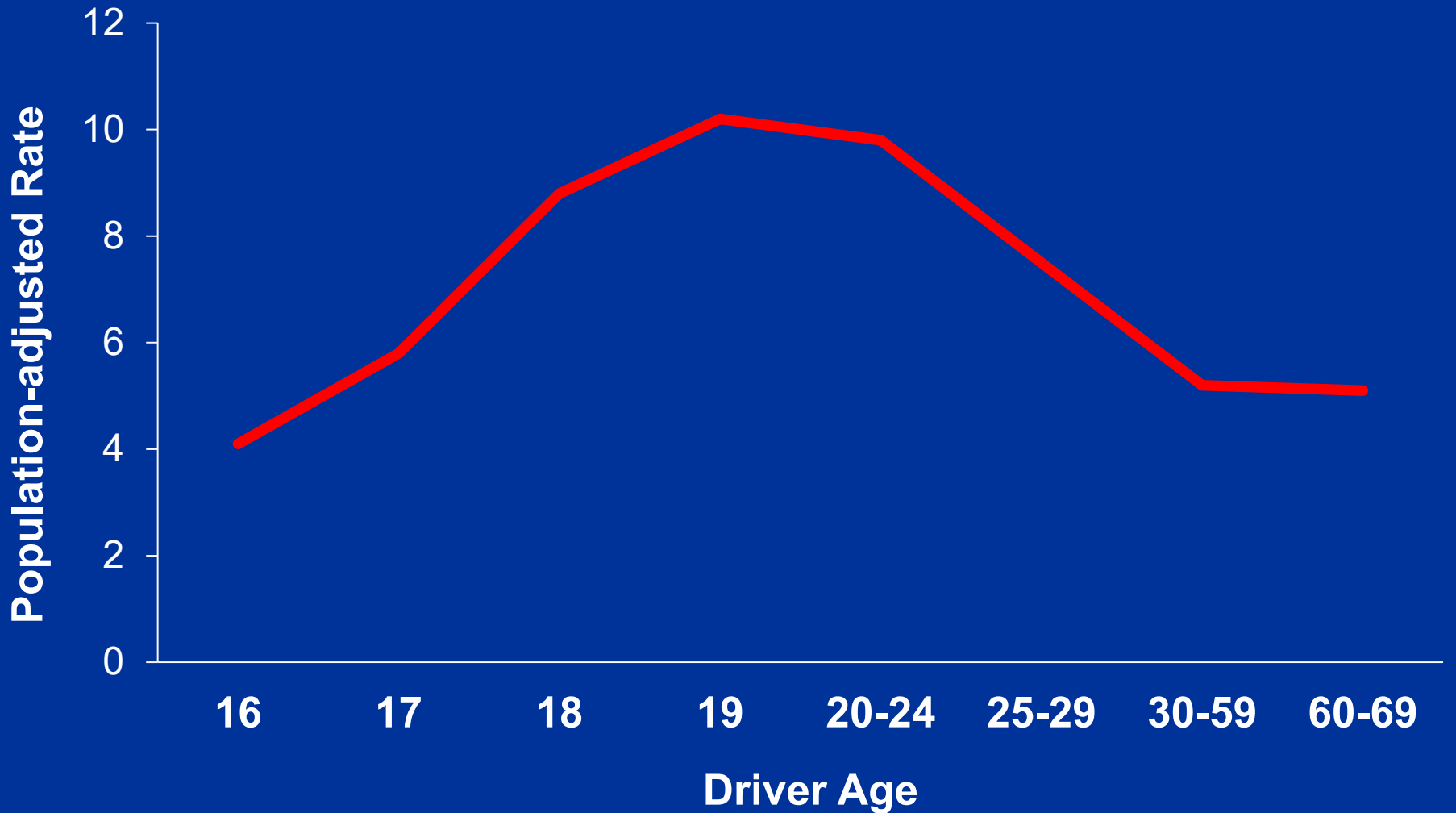
Risk Taking Versus Risk-Taking Propensity



Age of Onset of Illicit Drug Abuse or Dependence



Driver Deaths

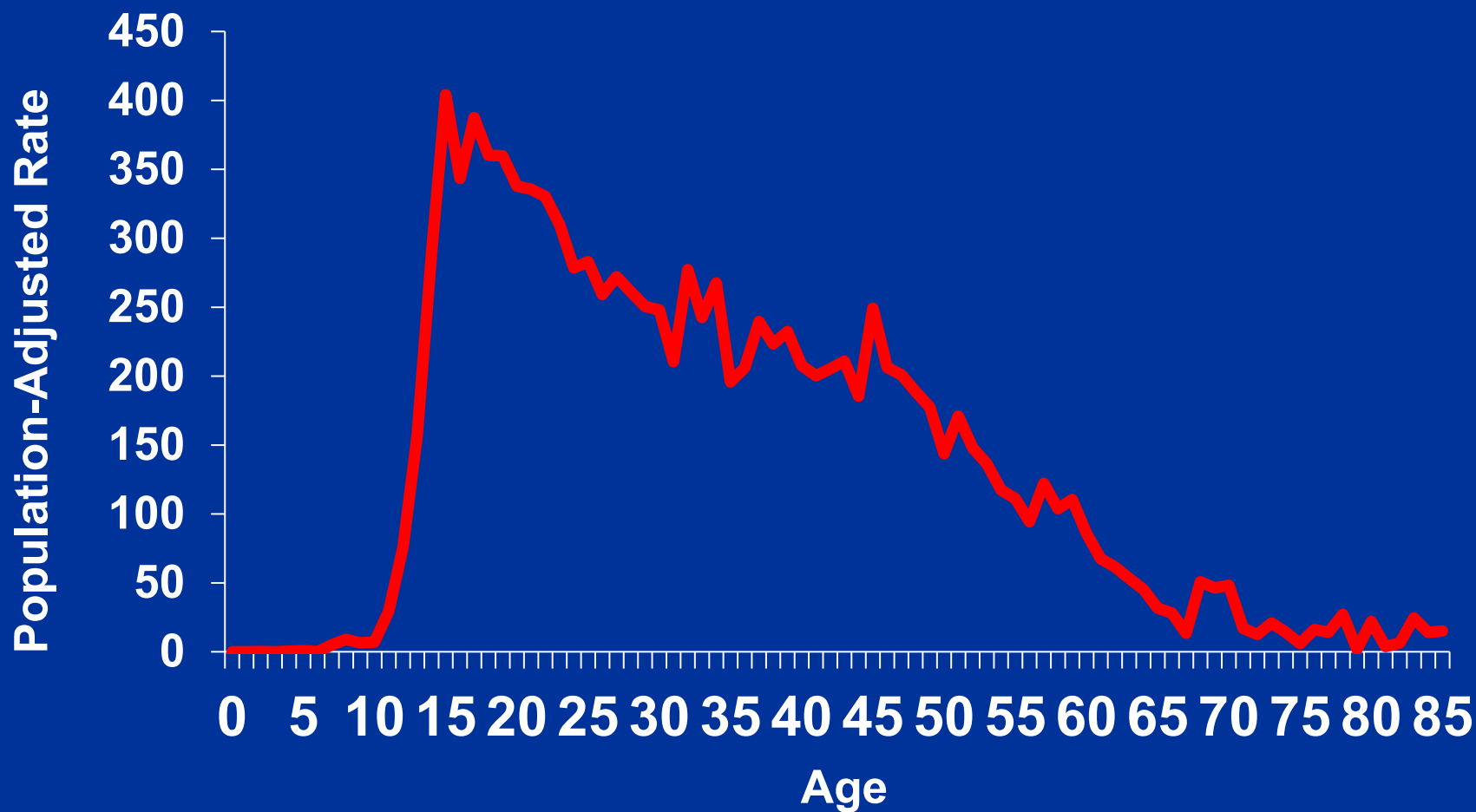


Insurance Institute for Highway Safety (2011)

Unintentional Drownings



Non-Fatal Self-Inflicted Injuries



Why Are Juveniles Inherently Less Culpable Than Adults?

- Immature judgment leads to “impetuous and ill-considered decisions”
- Susceptibility to external influences, especially peer pressure
- Unformed character makes adolescents better candidates for rehabilitation

Emerging Issues

- The applicability of felony murder charges to juveniles
 - Research on peer influence
- Extending the logic of *Roper* and *Miller* to late adolescence
 - Research on brain development beyond age 18

**When Do Adolescents
Think as Well as Adults?**

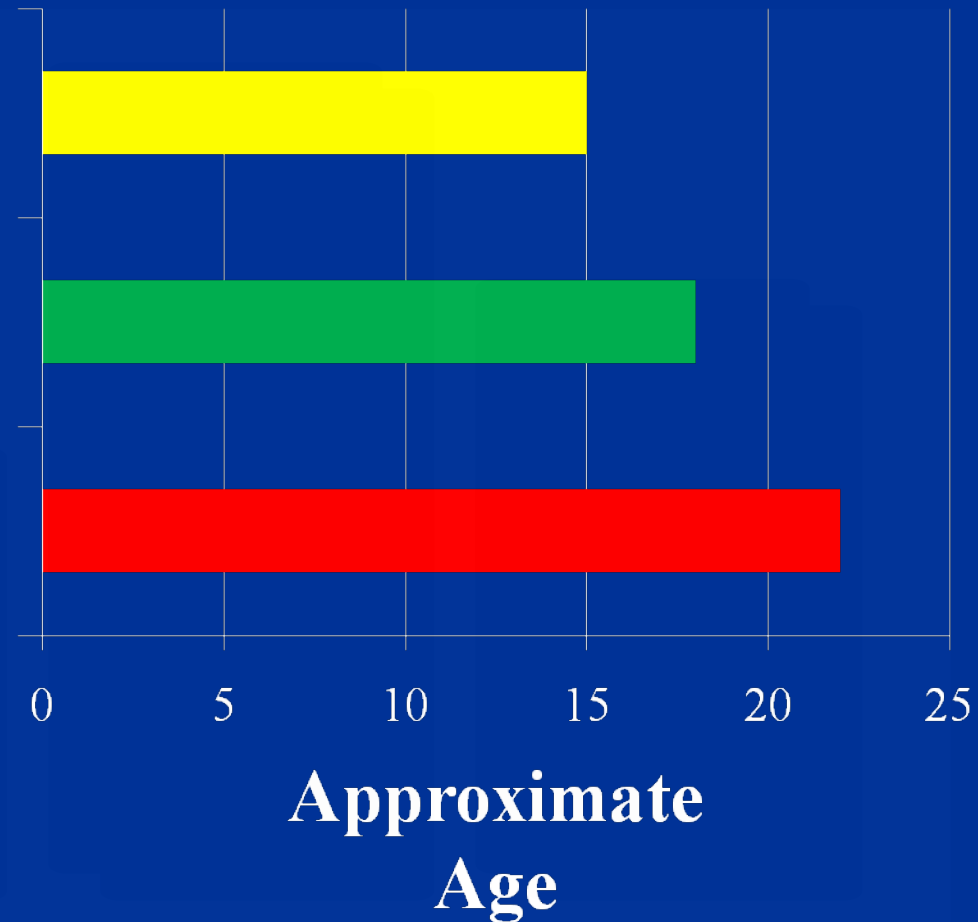
It depends.

Approximate Timetable of Cognitive Control

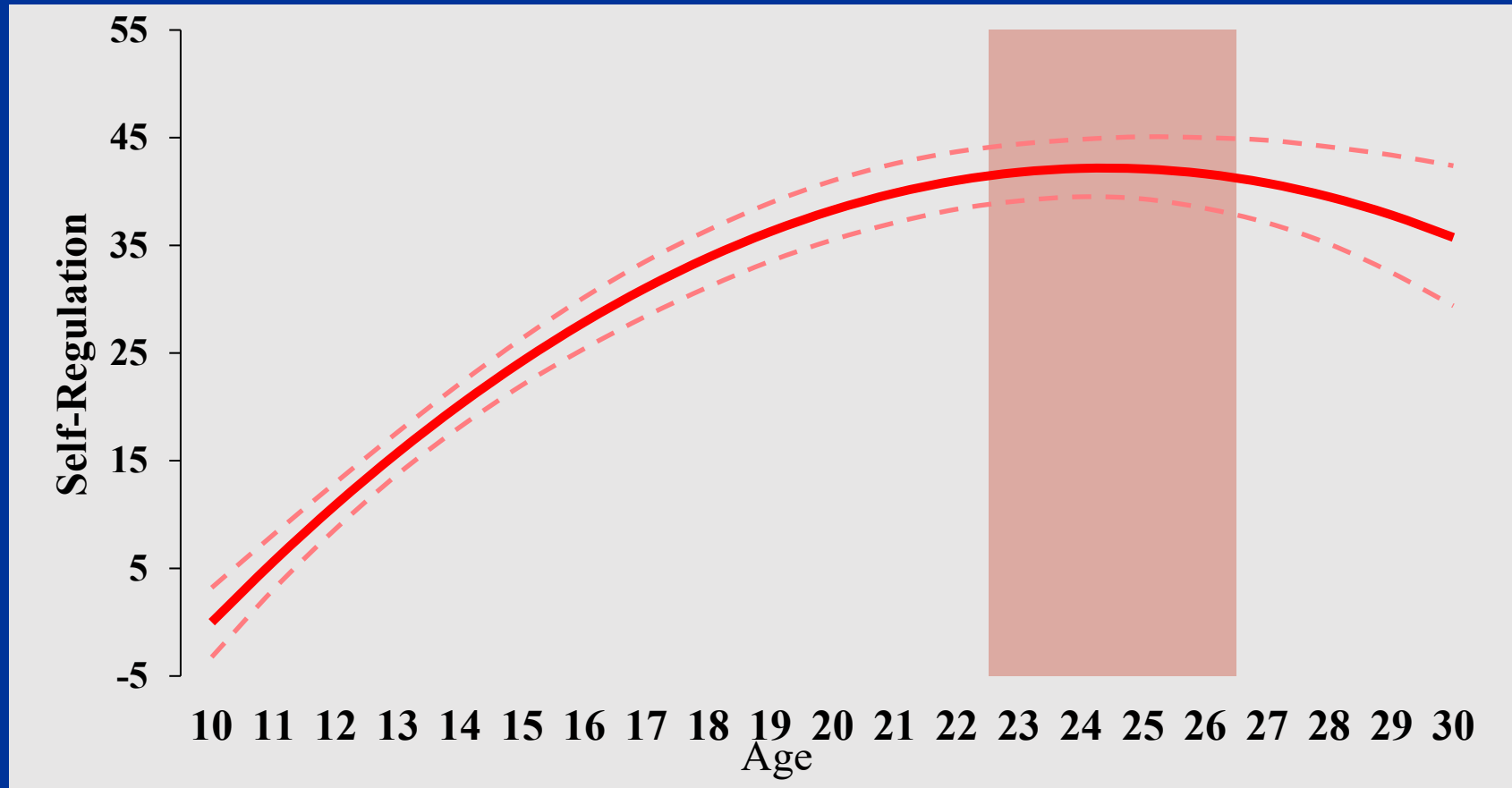
Basic Cognitive Abilities

Advanced Cognitive Abilities

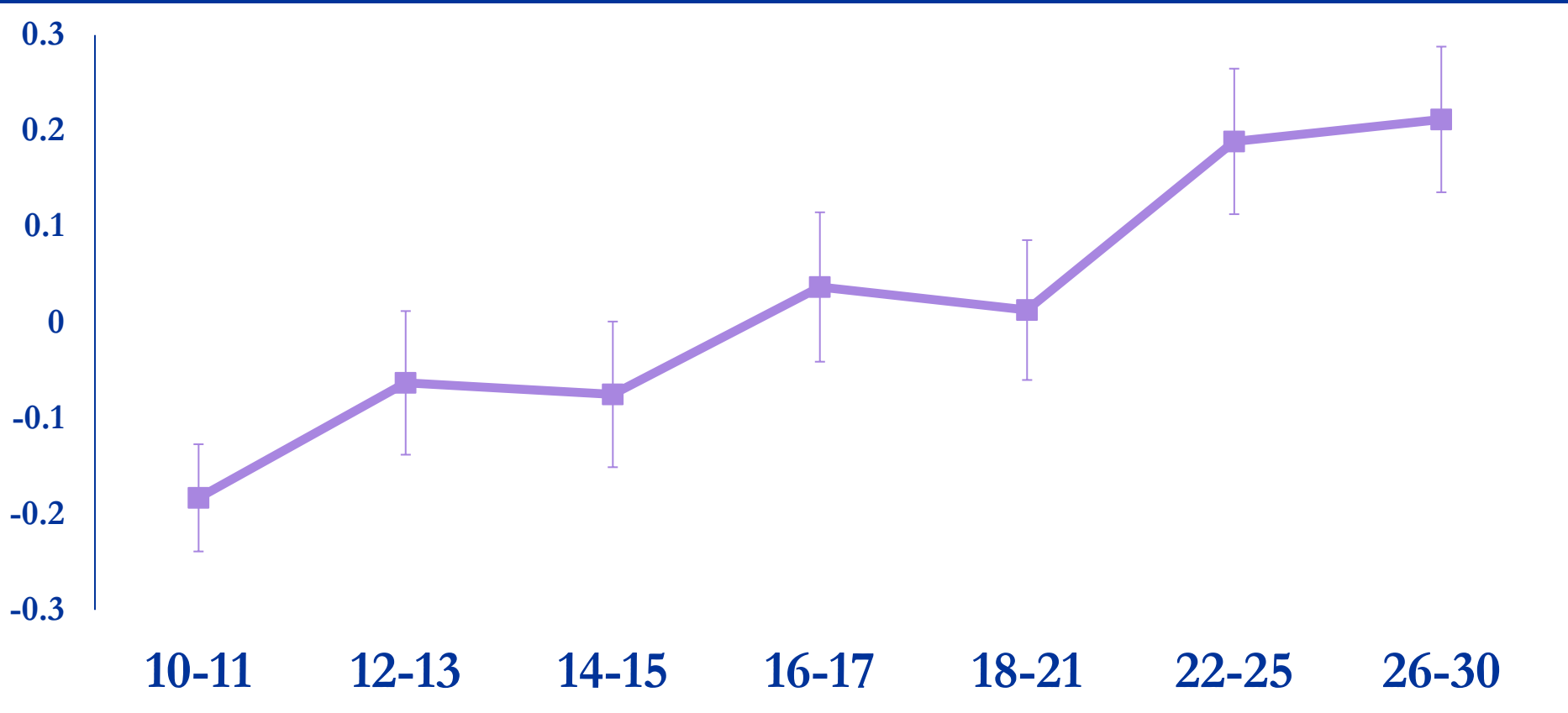
Coordination of Emotion and Thinking



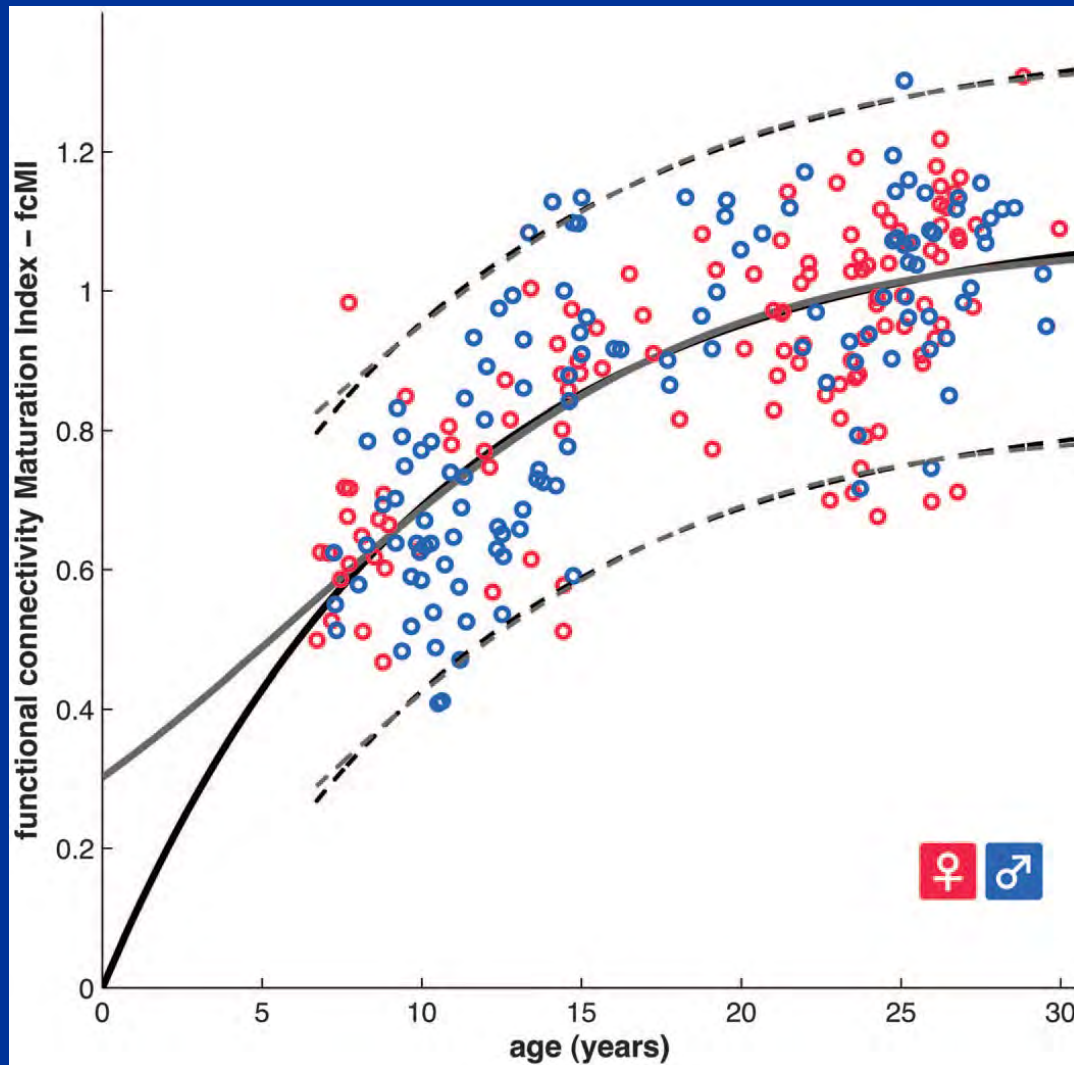
Age Differences in Self-Regulation in an International Sample



Resistance to Peer Influence in an International Sample



Functional Connectivity Increases Until Age 22



Two Types of Plasticity

- **Developmental plasticity**
 - Large-scale changes in structure of neural circuits
 - Growth of neuronal projections, synaptic pruning, neurogenesis
 - Ongoing during late teen years
- **Adult plasticity**
 - Small-scale modification of existing synapses
 - Minor changes in dendritic spines
- **Adolescence is the final period of developmental plasticity**
- **Plasticity creates vulnerability AND opportunity**

Implications of Plasticity Research for the Justice System

- Adolescence as a time of change extends longer than had previously been thought.
- Individuals are still capable of change and maturation during their early 20s.
- Conditions of confinement and post-confinement context matter
- Makes the need for rehabilitative intervention even more important
- Makes the dangers of harsh punishment more hazardous

Age of Opportunity

LESSONS FROM THE
NEW SCIENCE OF ADOLESCENCE



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