

RED  
PRACTICE  
MANUAL

## Chapter 6: Reducing Racial and Ethnic Disparities Post-Disposition

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# Reducing Racial and Ethnic Disparities Post-Disposition

Addressing racial and ethnic disparities at the deepest points in the system is a challenge few jurisdictions have taken on. As a result, there are far fewer success stories in this area than in others. Nevertheless, this is the decision point where overrepresentation of youth of color is often the greatest, in part because of the cumulative effects of disproportionality at previous decision points. For that reason, this section of the Practice Manual outlines suggestions for data analysis and strategies that may be able to reduce disparities. Readers should see this as an opportunity - a chance to identify needs for change that can make real differences in the ways youth experience the system and to break new ground with innovative approaches. This section discusses disparities in placement experiences, re-entry, and violations of the terms of a youth's post-commitment release, sometimes called parole or aftercare.

## I. Placement Experiences

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### A. Overview

In many jurisdictions, youth of color are disproportionately represented in out-of-home placement. At this stage of the juvenile justice system, as at earlier stages, it is important to measure and analyze differences in the way youth are treated while in placement - differences that can have a profound effect on youths' opportunities for rehabilitation and abilities to exit the system in a timely way. Jurisdictions interested in identifying these disparities should gather and examine their data for key indicators in the chart below. As with data collection at other decision points, jurisdictions should examine these data points disaggregated by race, ethnicity, gender, and reason for placement problem, along with age and placement type.

## Data Collection for Disparities in Placement Experience

### Rates of Unsuccessful Returns from Placement

- What are the reasons for unsuccessful exits from placement?
- Who is ejected before finishing a program and why?
- Are there differences in unsuccessful exits by race or ethnicity?
- Are there explicit criteria for program ejection that are used by providers?

### Length of Stay in Placement

- Do some youth stay longer than others for similar conduct?
- Do the reasons for extended stays differ by race or ethnicity?
- If a private provider can extend a youth's stay, do some providers do so more than others?

### Rates of Facility-Based Discipline

- Do some youth experience restraint, room confinement, and other serious sanctions more frequently than others?

### New Charges for Offenses During Placement

- Are some youth charged with assault, harm to property or other offenses in programs that are supposed to be helping address those behaviors?

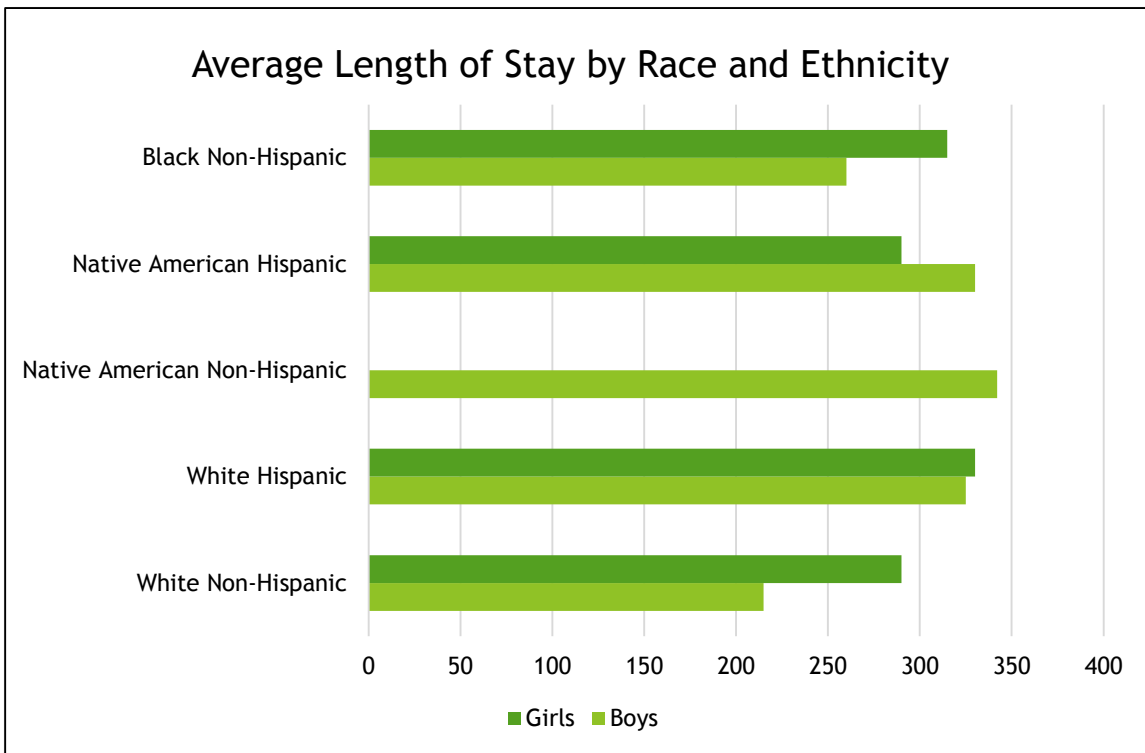
### Referrals for Mental Health Services

- Are there differences in which youth are identified as needing mental health services?
- Are youth of different races or ethnicities disciplined or referred to mental health at different rates for the same behaviors?

## B. What to Do If the Data Identify Disparities in Placement Experiences

As with all aspects of racial and ethnic disparity reduction, good data lead to more good questions. In order to understand and address differences in placement, discipline and experience, a look at a combination of policy, practice, training, and contracting may be helpful.

For example, in the graph below, the length of stay in placement is highest for Native American and Hispanic/Latino boys and Black and Hispanic/Latina girls.



These data help to identify the disparities, but they don't tell what is necessary to reduce them. In order to get closer to identifying opportunities for reform, a jurisdiction needs to gather additional data and information to guide further action. The questions on the following page will help identify those opportunities. For example, if there is no policy that governs length of stay, and if lengths vary significantly by placement location, it may be that the placements have legitimately different programs, or it may be that the goals of the program and rules for determining completion have not been sufficiently defined. In such a situation, the agency could work with the providers and other stakeholders to agree on identified objectives and means of program completion and establish policy to standardize how providers determine that programs have been completed.

Because girls of color are a growing section of the female population in detention and placement facilities,<sup>1</sup> communities should pay special attention to the intersection of race, ethnicity and gender when examining differences in placement experiences. In

our work at CCLP, we have seen examples of placement facilities where differences in access to resources, treatment, or other opportunities have led to disparate outcomes for youth.

For example, in some facilities where there are fewer girls than boys, and where girls and boys are kept separate for security reasons, girls do not have the same level of access to programming such as computer lab or gym time. A smaller population of girls than boys generally means that girls are lumped in one or two classrooms with wider variation in academic level, so teachers are stretched to teach to multiple levels at once. These circumstances can limit educational progress and, where education achievement is tied to program completion, could contribute to different lengths of stay.

### **Data and Policy Inquiries**

- Is there a policy or curriculum that guides length of stay?
- Who decides how long youth stay?
- Are there differences in how private providers treat white youth versus youth of color?
- What gender-responsive elements are there to the program and to staff training?
- Do girls have access to the same opportunities for program completion and success as boys?
- Is there a family engagement element to the program? How are families supported in order to be able to participate? Does family participation affect length of stay?
- Where do youth go after placement? Is the process for planning youths' re-entry and housing impacting program departure time frames?

Another example of potential causes of disparity lies in differences in access to mental health services for youth in the juvenile justice system. [Studies](#) reveal that youth of color are only one-third to one-half as likely to receive mental health care as white youth.<sup>2</sup> Contributors to this disparity include poverty, lack of insurance coverage, and limited availability of services.<sup>3</sup> The shortage of mental health professionals with adequate understanding of the culture, language, values and experiences of their young clientele can limit the willingness of families to engage in care.<sup>4</sup>

For those who do access care, such cultural differences may contribute to differences in diagnosis. For example, African American youth tend to be diagnosed with more severe disorders, including disorders less amenable to treatment.<sup>5</sup> They are also labeled with behavioral disorders such as conduct disorder more often than white youth.<sup>6</sup> Youth of color in the juvenile justice system may in fact have higher mental health needs but nevertheless be among the least likely to be served.<sup>7</sup>

A youth with untreated mental illness trying to succeed in a juvenile justice placement program may find it difficult to conform his or her behavior to the expectations of the program. That can mean more setbacks working toward behavior goals, or more time in room confinement or restraints. In addition, untreated mental illness can make it harder for youth to engage in the cognitive treatment strategies of many juvenile justice interventions, making it harder to complete the programs. And, of course, youth with disabilities that interfere with learning often find themselves less able to perform in school without behavior incidents, which can both set back educational achievement and result in discipline.

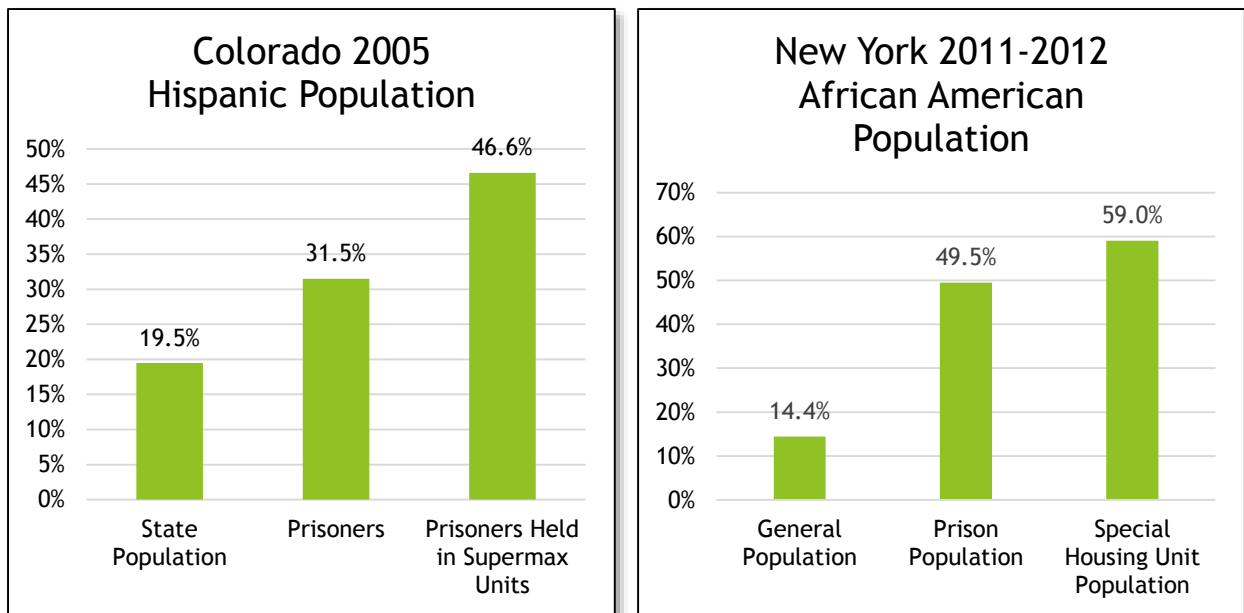
Stakeholders who identify disparities in identification of mental health needs in placement or overrepresentation of mentally ill youth of color in discipline can work with their systems to institute reforms in access to care, quality of screening and assessment, training of professionals, and collaboration with mental health agencies. Many resources are available through the [National Center on Mental Health and Juvenile Justice](#).

### C. Disparities in Use of Restraints and Solitary Room Confinement

As communities grow more aware of the dangers of solitary confinement and some restraint practices, an analysis of post-disposition disparities provides an opportunity to take a hard look at these dangerous practices through a racial justice lens. While



we do not have national data about solitary confinement of youth disaggregated by race and ethnicity in juvenile facilities, we do have evidence that disparities exist for use of solitary in the adult system. In eight states where race and ethnicity data were available for high security solitary confinement units of state prisons, four of the states showed significant disproportionate representation of prisoners. For example, in Colorado in 2005, Hispanic individuals were 19.5% of the state population, but they made up 31.5% of prisoners in Colorado and 46.6% of prisoners held in the Colorado State Penitentiary supermax units.



In New York, in 2011-12, black individuals were 14.4% of the state population but 49.5% of the prison population. During that period, 59% of prisoners held in Special Housing Units across the state were black.<sup>8</sup> Such data for juvenile facilities would provide valuable insights into youth’s experiences in placement, but they have not been available publicly. Jurisdictions may learn a lot about youths’ experiences in placement by examining data on room confinement or restraints and the reasons for their use.

## D. What Can My Jurisdiction Do if it Identifies Disparities in Room Confinement or Restraint?

A number of policy, practice, and resource questions should be addressed, identified in the text box below. Resources for addressing unnecessary use of room confinement, restraint and other aspects of conditions of confinement may be found through the [Juvenile Detention Alternatives Initiative \(JDAI\) Conditions of Confinement](#) resources page.

### Policy, Practice, and Resource Questions

- Do youth of color experience restraint, room confinement, and other serious sanctions more frequently than white youth?
- Has the department clearly articulated standards and followed up with training regarding appropriate use of restraint or solitary room confinement?
- Is there sufficient oversight of the facility's conditions?
- Does the facility have adequate staffing, training, programming, and mental health services for its population?
- What are the mechanisms for imposing discipline? Are youth represented by counsel or otherwise assisted by staff? Do they have the opportunity for appeal? Is there an effective behavior management program that is adequately explained and impartially administered?
- Does anyone regularly review data on the use of discipline, disaggregated by race, ethnicity and gender?

## II. Disparities in Unsuccessful Program Exits

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### Questions to Consider in Addressing Disparities in Unsuccessful Placement Returns

- Are youth of color charged with assault, harm to property or other offenses in programs more frequently than white youth?
- Does the contract allow programs to reject or later eject youth who are difficult to serve?
- Are there clear rules about when it is appropriate to charge youth with a new crime? What guidance is provided to avoid disparate use of discretion in deciding when to report or charge a youth?
- What requirements are in place to promote cultural and linguistic competence? Gender-responsiveness?
- What oversight structures are in place for contractors or facility conditions as a whole? How active or engaged are those oversight mechanisms, and are they sensitive to race, ethnicity and gender-specific considerations?

A look at program completion data might also show differences in the rates at which youth are returned from programs before completing them, sometimes called unsuccessful program exits. A youth might be ejected from a program because he had a fight with another youth or staff, broke too many rules, or refused to engage in treatment. While all of these behaviors present challenges for programs, disparate rates of unsuccessful discharges can be signals of underlying systemic problems.

These problems could include lack of appropriate criteria or care in initial program selection, insufficient protections for youth in programs' contract terms, or insufficient identification of youths' needs. In some systems, youth of color are sent across the state to placements with only white staff and communities, which can limit cultural competence of the program and reduce engagement of youth. In other states, residential treatment facilities are allowed to "cream" referrals, accepting only those youth likely to have success in their programs. Youth of color from communities with more intensive policing, higher crime, and less successful school systems are more likely to be rejected from programs that are allowed to engage

in creaming because they are more likely to have experienced more police contacts and lower educational achievement. Therefore they may have fewer options for effective programs that meet their needs.

Finally, some states have contracts with treatment programs that make unsuccessful discharge more likely. For example, we can expect that youth sent to rehabilitative treatment for aggression might get in a fight in placement. Some facilities will arrange to have youth charged with new crimes in the event of an assault. Others will send them to a secure facility to await a new placement. But some systems have no-eject rules that require contract service providers to work with challenging youth rather than throwing up their hands. For example, Alabama's Department of Youth Services engaged in reforms beginning in 2006 that led to a dramatic decrease in commitments and improvements in quality of services. Part of the reform involved establishing "[no-eject, no-reject](#)" policies in its requests for proposals for placement contracts for the youth who remained under DYS care.<sup>9</sup>

Stakeholders who identify disparities in unsuccessful placement returns could raise several questions for further analysis, highlighted in the text box above. In most cases, changes to policy, training, practice and sometimes contracting can follow from the answers to these questions.<sup>10</sup>

For counties in decentralized systems where local governments may contract with a variety of programs and services for committed youth, getting leverage with programs that may only hold a few youth each year from a given county poses some additional challenges. Certainly counties can stop using programs that seem to reflect disparities or excessive use of restraint or isolation for all youth, but how else can they achieve change? In order to build their leverage, counties may need to collaborate to create legislation that promotes improvements, work with licensing entities, or establish new standards and oversight for juvenile justice placement programs.

## A. Adding Evidence-Based to Data Driven

The approach described above provides a framework for states and localities to examine data that could identify where youth of differing races and ethnicities experience placement differently. Those data can guide further inquiry and policy or practice changes. For jurisdictions that have the capacity for a deeper dive, the [Standardized Program Evaluation Protocol \(SPEP\)](#) provides an opportunity to examine the extent to which programs are likely to be effective at reducing recidivism.

Mark Lipsey and his colleagues conducted a meta-analysis of 548 programs for which there was available data on recidivism. They have identified the characteristics that make the programs effective at recidivism reduction.<sup>11</sup> Through the SPEP, jurisdictions can score their individual service programs to determine the extent to which the programs share characteristics with the effective programs in the study.<sup>12</sup> Such a process provides the basis to encourage improvement of lower-scoring programs and greater use of higher-scoring programs.<sup>13</sup> Jurisdictions can also conduct recidivism studies themselves to determine how actual outcomes compare with expected outcomes based on the SPEP.<sup>14</sup>

The SPEP approach can be useful for RED reduction in a number of ways. First, jurisdictions can assess whether youth of color are getting equitable opportunities to access the highest scoring (and presumably most effective) programs. Disparities can be identified and work done to eliminate differences in program access.

Second, Lipsey and his colleagues' research identifies some key elements to effective programming for delinquency reduction. Their research indicates that jurisdictions will see better recidivism outcomes when they avoid using fear-based, external control types of programs that focus on surveillance and instilling discipline. Such programs tend to increase recidivism, while more therapeutic approaches have higher rates of success.<sup>15</sup> The research also finds that programs should be targeted at high-level offenders, since low-risk offenders have little likelihood of recidivism.<sup>16</sup> Finally, dosage matters: youth who receive 3 months of a program designed for 6 months will not see a benefit.<sup>17</sup> Problems can also arise if youth stay longer than the recommended length of time: drawing out a placement can be frustrating to youth and raises the likelihood that a youth will eventually violate his or her terms or conditions. Jurisdictions that incorporate effective practices into the programs that they design and choose may see recidivism reduction.<sup>18</sup>

### Elements of Effective Programming for Delinquency Reduction

- Avoid using fear-based, external control types of programs that focus on surveillance and instilling discipline
- Target programs at high-level offenders
- Dosage matters - youth should only be in programs for the time necessary for treatment

Berks County, Pennsylvania, was chosen as one of four pilot sites to use the SPEP as participants in the [Juvenile Justice System Improvement Project](#) through [Georgetown University's Center for Juvenile Justice Reform](#). Building upon its commitment to data-driven reforms, the County embarked on the project with the goal of system performance improvement. The County conducted extensive interviews with its providers, learning about their services in enough detail to determine the type of services being delivered, the quality of service delivery, the amount of service being provided, and the risk level of the youth served. The County reports that the experience has helped the juvenile probation staff understand more about the services being provided to clients and their families, as well as the appropriate risk level of youth to send to various programs and how long they should be there. A benefit has been shared responsibility for and ownership of the results for youth. The probation office and providers have jointly developed performance improvement plans, and programs will be rescored in 6 to 24 months. Four other pilot counties in Pennsylvania are now participating in this process.<sup>19</sup>

## B. Transfer from One Facility to Another

In 2011, Maryland found that many youth who had been ejected from commitment programs were languishing for long periods of time in juvenile detention centers while they awaited new placements. Youth who were detained “pending placement” made up close to 50% of the detention population in the state, 35% of whom were youth who had been ejected from commitment programs.

To address this issue, in 2012 the Maryland legislature passed SB 245, which provided that, when necessary to administer the commitment of a child, and upon approval of the Director of Behavioral Health, the Department of Juvenile Services (DJS) could transfer a youth committed for residential placement from one facility to another facility with a similar or higher level of security. Under the statute, DJS must notify the court, the youth’s counsel, the State’s Attorney, and the parent of the youth prior to the transfer. The juvenile court may hold a hearing at any time for the purpose of reviewing the commitment order, but a hearing is not required prior to the transfer.

The legislation allows DJS to reduce the time that committed youth spend in juvenile detention facilities (where they do not receive treatment services), leverage current resources, and strengthen the Department’s Continuum of Care by:

- Eliminating or reducing a youth’s time in detention when a youth is ejected from a residential placement;
- Reducing the likelihood that a youth will be released from detention pending placement without a transfer to treatment services; and
- Decreasing the overall length of time youth stay in committed status with the Department by allowing the Department to swiftly address treatment concerns without long stays in detention.

As a result of the legislation, there has been a 66% reduction in the average daily population of pending placement youth in the state, from an average of 198 per day to 66. In addition, there has been a 41% reduction in the average length of stay for youth in detention pending placement, from an average of 42 days to an average of less than 25 days.<sup>20</sup>

### III. Re-Entry and Aftercare

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As youth return home following an out of home placement, the first few months of re-entry are critical to maintaining successful habits and skills learned in placement. An oft-heard refrain from juvenile probation officers and case managers is that the youth may have been helped by the placement, but they return to the same situation where they got in trouble before. Effective re-entry requires planning and development of new behavior skills in youth alongside development of supervision, communication and other parenting skills in their families.

Disproportionality and disparities may be evident in re-entry and parole data. A jurisdiction seeking to assess its re-entry and aftercare system for racial and ethnic disparities can look at a variety of data points for potential differences.

Two approaches to juvenile justice service delivery can address the problems of youth returning to the same circumstances they left. One option is to treat youth in the

#### Data to Consider at Re-Entry and Aftercare

- Parole or aftercare violations, revocations, and extensions
- Recidivism rates
- School return and dropout during aftercare

community wherever possible so that families and youth can develop new skills alongside one another rather than having to reintegrate later. For example, Cook County, Illinois, which includes Chicago, recently determined that its out of home placements were not producing sufficient results in youth to warrant continuing their widespread use. Instead, the Probation Department worked with local providers to create a broad network of service options for youth remaining in their homes. As of March 2015, the county had approximately 4,400 youth under court supervision, only one of whom was in an out of home placement.<sup>21</sup> While it is too soon for performance data, such a redirection of resources has certainly allowed the agency to avoid the challenges associated with re-entry, since youth are remaining in the community.

The second option for systems to consider, where placement is necessary, is careful re-entry planning and resource allocation combined with effective alternatives to re-incarceration for youth who violate their release conditions. This approach can also help systems avoid or reduce unnecessary disparities.

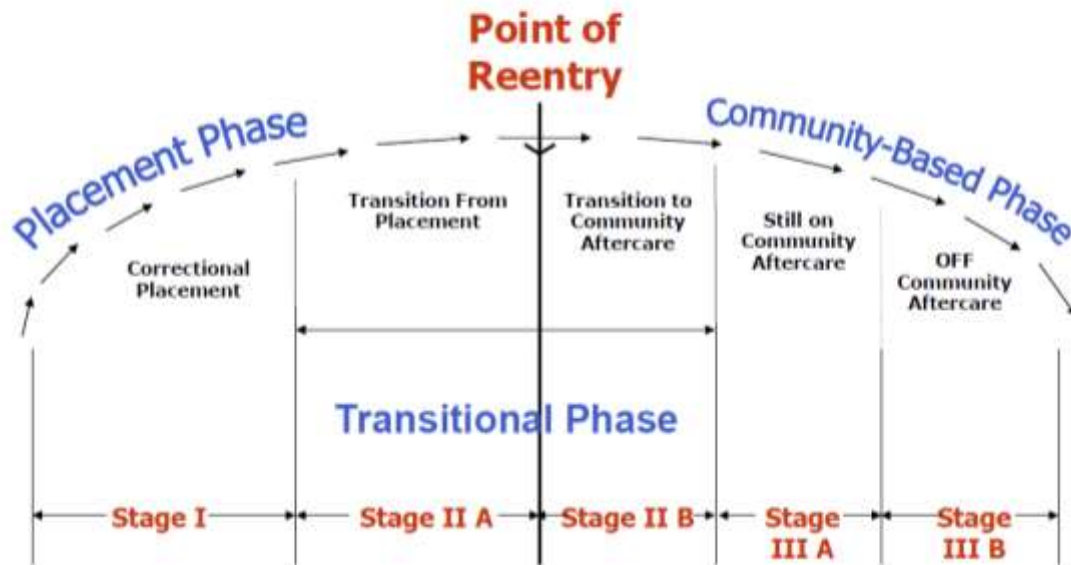
## A. Principles of Effective Re-Entry

For re-entry programs to be effective, a number of key elements should be present. First, re-entry planning should begin when the youth first enters placement. Case management should be structured to require communication between the facility, probation, family, youth, potential community resources and the commitment program from the time the youth begins the placement program.

The diagram below, created by Dr. David M. Altschuler of the Institute for Policy Studies at John Hopkins University, illustrates that the process of re-entry takes place in several phases. Careful planning with stakeholders and providing key components at the various stages will promote effective re-entry.<sup>22</sup>



# Reintegration Continuum



Source: David M. Altschuler, Institute for Policy Studies, John Hopkins University

Second, engaging families in decisions and supports of behavior change, thought process growth, and reinforcement of new skills from placement is essential in preparing for a youth's successful return home. Research indicates that intensive aftercare supervision alone does not reduce recidivism.<sup>23</sup> A recent study of [Parenting with Love and Limits](#), a re-entry program in St. Joseph, Indiana, determined that family-focused re-entry treatment that starts early in the incarceration period (four months prior to release) and engages families can reduce length of juvenile justice involvement and recidivism.<sup>24</sup> In another study, youth participating in [Washington State's Functional Family Parole](#) program were less likely to be arrested in the nine months following release than those who did not receive the service, and were more likely to be employed and earn more than their counterparts who did not receive the service. In [Functional Family Parole](#), aftercare case managers facilitate strength-based services based on [Functional Family Therapy](#) for youth.<sup>25</sup>

Encouraging visitation during placement is a key component of early family engagement. Contacts can include supported transportation and videoconferencing with the program as re-entry planning unfolds. Not only does it support the youth's eventual transition back home, but it also helps youths' performance while incarcerated. A study by the Vera Institute of Justice found that youth who received

visits while incarcerated had fewer behavioral incidents and higher grades in school than youth who did not have visits.<sup>26</sup>

Early findings from recent juvenile [Second Chance Act](#) grants suggest promising effects of Cognitive-Behavioral Interventions at the re-entry stage. For example, the [Tidewater Reentry Program of the Tidewater Youth Services Commission](#) (TYSC) in Virginia uses such interventions with moderate- to high-risk youth and young adults on parole. The services include several hours a week of direct contact from staff by phone or in person, graduated sanctions and rewards, and drug screening. Recent data illustrate that 90% of participants avoided reoffending, and 60% completed the program successfully. Nearly 30% were removed from the program due to technical violations.<sup>27</sup>

Another key ingredient is encouraging youth success through a positive youth development, strength-based approach. This includes encouraging youth to strengthen relationships with pro-social peers and adults, supporting their connections to school, work, community supports and positive activities, and ensuring effective transition to school. Effective transition includes careful reintegration planning and maximizing school credit transfers so that youth get full advantage of the work they put in while incarcerated.<sup>28</sup> As with racial and ethnic disparity reform efforts at other points in the juvenile justice system, stakeholders should consider systemic barriers to success. For example, biases in perceptions of youth of color and the complexities of aftercare planning for youth may result in practitioners focusing on deficits in pro-social attachments and activities in the community rather than strengths. Addressing these issues in trainings and agency staff discussions can help to neutralize their impact.

One effective way to reduce racial and ethnic disparities is to identify or strengthen early pathways out of the juvenile justice system for youth of color. Many of the strategies discussed in this Practice Manual focus on doing just that. However, in many juvenile justice systems the most significant point of racial and ethnic disparities is not at the front end of the system. Rather, it is at the “deep end” - the point at which youth have either been adjudicated delinquent or pled to a charge and are awaiting the disposition of their case.

For some youth, disposition can mean a short time on probation. For others, it can mean a lengthy stay in a secure facility, followed by months or years of supervision and services. State data suggest that youth of color disproportionately see their cases end with an out-of-home placement or incarceration in a secure facility. And federal data reveal that while youth of color represent only one-third of the youth population in the country, they represent two-thirds of the youth confined in out-of-home placements.<sup>29</sup> This means that youth of color are more likely to experience the negative outcomes associated with incarceration than white youth: severed connections with family members and other supportive relationships, higher

recidivism rates, reduced education and employment prospects, and exposure to opportunities for abuse by other youth or staff.<sup>30</sup>

For example, a 2015 report on juvenile justice reform in Texas found that youth who had been incarcerated in state institutions were 21% more likely to be re-arrested within one year of their release than youth of similar backgrounds who were placed under county probation supervision. Additionally, those youth released from state institutions were three times more likely to be arrested for felony charges than youth under county probation supervision.<sup>31</sup> A study in Illinois just a few years earlier reported similar findings: even after controlling for a range of demographic and background characteristics such as history of prior offending, youth who were confined in an out-of-home placement were 13% less likely to graduate from high school and 22% more likely to be incarcerated as an adult than youth who had not been so confined.<sup>32</sup>

Why are youth of color more likely to end up in out-of-home placements or confined in secure facilities at disposition? Some believe that it is because youth of color are charged with more serious crimes than white youth. However, studies of racial and ethnic disparities that control for severity of the offense and other factors still find differences between white youth and youth of color in the outcomes of their cases.<sup>33</sup> Systemic biases can lead to the development of policies and practices that have a disparate impact on youth of color. The reality is that disparities can exist for a number of reasons ranging from a lack of diversion opportunities earlier in the juvenile justice process to inadequate or ineffective community-based programming to biases within the dispositional decision-making process.

## B. What If We Identify Disparities in Parole Revocations or Extensions?

Data indicating differences in parole revocations will not tell why those disparities exist, but additional questions may help unravel some explanations. Inquiries in the areas described in the box below may lead to new opportunities for reducing disparities in parole violations.

## Questions to Consider When Analyzing Differences in Parole Revocations

- Are there racial and ethnic differences in which youth are identified as needing mental health services?
- Do requirements penalize youth for their neighborhood or family circumstances?
- Are there opportunities for discretion in revocations that would benefit from more structured decision making?
- Is there sufficient involvement of youth, families, and other supports in planning and decision making in order to create a workable re-entry plan?
- Are the programs and services culturally and linguistically competent?

### C. Education Re-Entry

As described above, education reintegration is key to effective re-entry planning. More than half of youth in secure placements have not completed the eighth grade, and two thirds of those leaving custody do not return to school.<sup>34</sup> Impediments to youth's return to school after custody magnify the impact of the school-to-prison pipeline by impeding successful return to the community.<sup>35</sup> Research shows that when youth return from placements to school, recidivism is lower.<sup>36</sup>

Several states now have statutory schemes or agency structures to promote effective school reintegration. For example, Florida law establishes requirements both to provide for education quality in juvenile justice facilities and to ease the reintegration transition. Home school districts are required to maintain an academic record for youth in custody, to allow credits to transfer back to the home school, and to create a transition plan.<sup>37</sup> Virginia's statute requires similar structured planning prior to the youth's release, and the law makes clear that school districts may not presume that an alternative school is the correct placement upon re-entry.<sup>38</sup>

Pennsylvania has taken a practical approach to improve outcomes for education reintegration. The Education Law Center has created a [toolkit](#) and trained hundreds of juvenile probation officers across the state about youths' education rights. Some juvenile probation offices have assigned particular officers to serve as education reintegration specialists. The Pennsylvania Juvenile Court Judges' Commission "Aftercare Specialists" appointed by the Juvenile Court Judges' Commission, Pennsylvania Council of Chief Juvenile Probation Officers, and the Center for Juvenile Justice Training and Research support probation officers working on education reintegration and other aftercare challenges.<sup>39</sup>

On June 9, 2014, the [U.S. Departments of Education and Justice sent a letter](#) to each state education superintendent and attorney general about education for youth in juvenile justice facilities. In addition, they released a [policy guidance package](#) in December 2014, including guiding principles for education in secure care settings and "Dear Colleague" letters reinforcing jurisdictions' obligations regarding special education, access to Pell grants, and prevention of discrimination against students in juvenile justice residential facilities. The materials impress upon states the responsibilities of both educational and juvenile justice agencies to "ensure that youth who are already confined receive the services they need to meet their educational goals, obtain employment, and avoid recidivism."<sup>40</sup> The June letter also promised to launch a pilot of a youth aftercare education model in 2015, and reminded states that effective education re-entry begins with strong education programs in facilities, equipped with qualified staff and rigorous curricula.<sup>41</sup> This new resource may be useful to jurisdictions seeking to improve re-entry outcomes for youth of color in the years to come.

At these later decision points in the system, jurisdictions have a wealth of opportunities to explore their data, identify potential interventions, and create changes in policy and practice that can improve outcomes for youth of color. Because youth of color are significantly over-represented in the deep end of the system, any changes that improve successful program completion and outcomes will likely disproportionately benefit youth of color. Focused efforts to identify and address disparities at disposition present opportunities to impact youth of color substantially. We encourage stakeholders to consider RED reduction activities at these later points in the system.

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<sup>1</sup> [Sherman, F.T. \(2013\). \*Making detention reform work for girls\*. The Annie E. Casey Foundation. \(pp. 9\).](#)

<sup>2</sup> [Holm-Hansen, C. \(2006\). \*Racial and ethnic disparities in children's mental health\*. St. Paul, MN: Wilder Research. \[Southwest Key Programs & the Inter-American Institute for Youth Justice. \\(2010\\). \\*Juvenile justice, mental health and youth of color: A framework for action in Texas\\*. \\(pp.11\\) \\[Hereinafter, \\*Juvenile justice, mental health\\*\\].\]\(#\)](#)

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<sup>3</sup> *Juvenile justice, mental health* at 11.

<sup>4</sup> *Id.* at 15.

<sup>5</sup> Isaacs, M. (1992). Assessing the mental health needs of children and adolescents of color in the juvenile justice system: Overcoming institutionalized perceptions and barriers. In J. Cocozza (Ed.), *Responding to the Mental Health Needs of Youth in the Juvenile Justice System*. Seattle, WA: National Coalition for the Mentally Ill in the Criminal Justice System.

<sup>6</sup> Nguyen L., Arganza, G., Huang, L., & Liao, Q. (2007). The influence of race and ethnicity on psychiatric diagnoses and clinical characteristics of children and adolescents in children's services. *Cultural Diversity and Ethnic Minority Psychology*, 13(1), 18-25, cited in *Juvenile justice, mental health* at 16.

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<sup>14</sup> *Id.* at 12-14.

<sup>15</sup> *Id.* at 6-7.

<sup>16</sup> *Id.* at 5, 9.

<sup>17</sup> *Id.* at 9-10.

<sup>18</sup> *Id.*

<sup>19</sup> Personal communication with Jeff Gregro, Deputy Chief Probation Officer, Berks County, Pennsylvania (Oct. 9, 2014).

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