

5-2012

Preventing Recidivism: Perspectives on the Effectiveness of the Juvenile Justice System in Meeting the needs of African American Youth with EBD

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Recommended Citation

Foster, Carmeann, "Preventing Recidivism: Perspectives on the Effectiveness of the Juvenile Justice System in Meeting the needs of African American Youth with EBD" (2012). *Master of Social Work Clinical Research Papers*. Paper 25.
http://sophia.stkate.edu/msw_papers/25

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Preventing Recidivism: Perspectives on the Effectiveness of the Juvenile Justice System
in Meeting the needs of African American Youth with EBD

MSW Clinical Research Paper

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May, 2012

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I. Abstract

Nearly two million young people, under the age of 18, are arrested each year nationwide (Gottesman & Schwarz, 2011). Of these youth, 70% are male, and 46 % are African American (McPherson & Sedlak, 2010). Approximately two thirds suffer from symptoms of aggression, depression or anxiety. Those who suffer from behavioral symptoms, 27% suffer from severe and persistent mental illness. (McPherson & Sedlak, 2010). Similar statistics exist within the Hennepin County justice system. These statistics paint a frightening picture of a system in which emotionally and behaviorally disturbed African American males are grossly overrepresented in both the local and national juvenile justice systems. This study seeks to capture perspectives about the effectiveness of the Juvenile Justice system in addressing factors that lead to the high rates of recidivism seen in African American male offenders with identified emotional/behavioral health concerns (EBD). An online survey, made up of open and closed questions and tailored to solicit this information was used. The sample was composed of thirteen professionals including both attorneys and social workers working in and on behalf of the juvenile justice system in Hennepin County, Minnesota. Results were consistent with existing research and theoretical understanding in the area. They revealed an overwhelming perception that the juvenile justice system is in need of reform and raised the question “what are the limits of the juvenile justice system?”

II. Acknowledgments

I would like to take this opportunity to thank my family and friends for their unwavering support throughout my academic journey. I would especially like to thank my husband without whom I would not have survived this experience. I love you dearly.

I would also like to extend a special thanks to all of the agencies and individuals that participated who sacrificed of their time and wealth of knowledge to make this project a possibility. A particular thanks goes out to my research committee who has supported me not only in the process of writing this clinical research paper, but in the process of my professional development generally throughout this year.

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Introduction & Research Question

This study seeks to capture perspectives about the effectiveness of the Juvenile Justice system in addressing factors that lead to the high rates of recidivism seen in African American male offenders with identified emotional/behavioral health concerns (EBD). For the purposes of this study, the National Association of School Psychologist's definition of emotional/behavioral disorder has been adopted. Thus, EBD "refers to a condition in which behavioral or emotional responses of an individual in school [and/or in the community] are so different from his/her generally accepted, age appropriate, ethnic or cultural norms that they adversely affect performance in such areas as self-care, social relationships, personal adjustment, academic progress, classroom behavior, or work adjustment" (National Association of School Psychologists, 2005). Common diagnoses that meet the requirements of this definition include: Attention Deficit Disorder (ADD), Attention Deficit Hyperactivity Disorder (ADHD), Oppositional Defiant Disorder (ODD), Obsessive Compulsive Disorder (OCD), Post Traumatic Stress Disorder (PTSD), Adjustment Disorder, Bipolar Disorder, Major Depression, Schizophrenia, and Conduct Disorder (Pacer Center, 2006).

The research was conducted through online surveys completed by participants who were professionals in the juvenile justice system. Recruitment efforts were focused on juvenile prosecutors, defense attorneys, judges, and social workers in Hennepin County, Minnesota. The online survey was tailored to solicit information about participants' independent perceptions as well as about their understanding of research identified risk factors. It was anticipated that the data would result in information

providing valuable insight regarding the future of the juvenile justice system by identifying areas in need of policy reform.

Literature Review

Background

Nearly two million young people, under the age of 18, are arrested each year nationwide (Gottesman & Schwarz, 2011). Of these youth, 70% are male, and 46 % are African American (McPherson & Sedlak, 2010). Approximately two thirds suffer from symptoms of aggression, depression or anxiety. Of those who suffer from behavioral symptoms, 27% suffer from severe and persistent mental illness. (McPherson & Sedlak, 2010). Similar statistics exist within the Hennepin County justice system.

Approximately 3,400 juveniles were monitored by the Hennepin County Department of Community Corrections and Rehabilitation in 2008 (Organizational Change Management, 2009). Of those, 72 % were male, 46 % were African American (Organizational Change Management, 2009). Reports were unavailable regarding the percentage that suffered from mental illness. These statistics paint a frightening picture of a system in which emotionally and behaviorally disturbed African American males are grossly overrepresented in both the local and national juvenile justice systems. Research suggests this is the result of a combination of variables including, “the individual child, the child’s family, the child’s peer group, the child’s school, the child’s neighborhood, and the media” (Coie et al., 2003).

The stated goal of the Hennepin County Department of Community Corrections and Rehabilitation is to improve “the lives of children and their families... [and] to enhance public safety by reducing the risk that adolescent offenders will commit new crimes” (Hennepin County Department of Community Corrections and Rehabilitation [HCDCCR], 2011a, ¶1). In order to adequately pursue this goal, efforts must be

appropriately measured to counteract identified risk factors. To this end, Hennepin County has partnered with the Juvenile Detention Alternatives Initiative (JDAI) (Hennepin County Department of Community Corrections and Rehabilitation [HCDCCR], 2011b). JDAI is an initiative of the Annie E. Casey Foundation. Its stated goal is to afford “youth involved in the juvenile justice system ... opportunities to develop into healthy, productive adults as a result of policies, practices, and programs that maximize their chances for personal transformation, protect their legal rights, reduce their likelihood of unnecessary or inappropriate incarceration, and minimize the risks they pose to their communities.” (The Annie E. Casey Foundation [Annie Foundation], n.d.a, ¶1). As such, JDAI focuses its efforts to:

- Eliminate the inappropriate or unnecessary use of secure detention;
- Minimize re-arrest and failure-to-appear rates pending adjudication;
- Ensure appropriate conditions of confinement in secure facilities;
- Redirect public finances to sustain successful reforms; and
- Reduce racial and ethnic disparities (The Annie E. Casey Foundation [Annie Foundation], n.d.b, ¶1).

through collaborations with local governments to:

- Track data regarding detention admissions, length of stay, demographics, etc.
- Provide objective, detention center, admission screening tools
- Develop new or enhanced non-secure alternatives to detention and
- Improve conditions of confinement (Annie Foundation], n.d.b, ¶ 2).

As a result of Hennepin County’s collaboration with JDAI, several programs and measures have been adopted. A “Risk Assessment Instrument (RAI)” has been

implemented to standardize evaluation of offenders at detention hearings and as well as at the juvenile detention center (HCDCCR, 2011b). Detention alternatives, such as: Evening report centers, Community coaches, Safe shelters, and the Monitoring, Education, and Treatment Program, have begun in to address the offender needs (HCDCCR, 2011b). And professionals have been encouraged to engage the entire family in the juvenile justice system process in hopes of securing better outcomes (HCDCCR, 2011b). After six years of collaboration, a great deal of improvement can be seen. “Since JDAI was implemented in 2005, [detention center] admissions have decreased by 49 percent, and the facility's average daily population has dropped 54 percent. A daily average of 30 percent fewer African American youth were detained in 2009 compared to the previous year” (HCDCCR, 2011b).

The work of the collaboration is focused on juveniles who are already in the system generally; and specifically on those juveniles who have committed status offenses not warranting detention. The program has made great strides in Hennepin County. In spite of these strides, there continues to be disproportionate representation of African American male offenders with EBD in the juvenile justice system as a whole. It remains unclear what, if anything is being done to address the factors affecting this overrepresentation prior to juvenile justice system involvement.

Societal

In an ideal world, involvement in the justice system should be based on factors entirely within an offender's control. Because of this widely held proposition, McCarter (2009) seeks to understand the role of non-legal factors, such as race, in processing and sanctions within the juvenile justice system as a means to understand the

overrepresentation of African American offenders. A mixed method of secondary data analysis and in person interviews with juvenile justice system stakeholders was used. The secondary analysis was conducted using data collected by the Joint Legislative Audit and Review Commission (JLARC) regarding juveniles' prior offense history, recent criminal charges and "demographic information such as sex, race, date of birth..." (McCarter, 2009, p. 535). Stakeholders interviewed included juvenile judges, attorneys, police, youth and their families. Results of the secondary analysis revealed both legal and non-legal factors that predicted involvement in the juvenile justice system. This outcome was predicted by a vast majority of participants in the interviews. However, none of the respondents accurately predicted which factors would have what effect. The non-legal factors identified by the study included race and the number of times the youth was required to repeat a grade level (McCarter, 2009, p. 541). Professional respondents placed high importance on family structure as a non-legal factor, while youth and their families cited race. Both groups "felt that the lack of education for most youth in the juvenile justice system impeded their success and may have contributed to their delinquency" (McCarter, 2009, p. 542), however none cited grade repeated specifically. Ms. McCarter was correct in her assessment of the justice system. No person should be subject to involvement in it because of factors outside of their control. Results from McCarter (2009) would suggest that change is needed at the processing and sanction phases of the justice system to ensure that this is the case.

Unfortunately, the factors identified by McCarter (2009) are not the only society level factors that have been identified as contributing to the overrepresentation of African American's in the juvenile justice system. Johnson & Leiber (2008) examined the effect

of age and race on decision making within the juvenile justice system through a secondary analysis of juvenile court records. Researchers found that older African American youth received the most severe “judicial dispositions” of youth in the records analyzed. They were more likely to be referred into the juvenile justice system, they were more likely to be required to participate in corrections programs and were more likely to be referred for out of home placement. Researchers offered two explanations for their findings. First, they posited that, in accordance with symbolic threat theory, professionals within the juvenile justice system may perceive African American youth as a threat to the middle class status quo and thus respond disproportionately to delinquency by this group as a means of protecting the public. They alternatively offer that the system may be “...responding in a slightly protective benevolent way to meet the needs of African American youth...” (Johnson, & Leiber, 2008, p. 575) based on the unique needs of this population. While the Johnson & Leiber (2008) study was conducted in a small county in Iowa, research outcomes were consistent with statistics regarding the overrepresentation of African American youth in the juvenile justice system generally. Their analysis of their findings acknowledged that there are unique needs specific to African American male offenders, however the research fails to identify these concerns explicitly and by no means supports the proposition that the disproportionate dispositions received by African American male offenders are in any way effective in meeting these unique needs.

In hopes of mitigating the effect of these identified biases, Mallett & Stoddard-Dare (2010) sought to evaluate the effectiveness of implementing standardized instruments for assessing juvenile offender risk level in addressing the disproportion

representation of African American youth in the justice system. In conducting their research, Mallett & Stoddard-Dare (2010) were afforded access to the juvenile court investigation and referral department for the areas in which their study was conducted. As such, their sample “included all youth arrested and/or charged...from one mid-sized, Midwest county in the United States” (Mallett & Stoddard-Dare, 2010, p. 94). They found that, after the standardized instrument was implemented, “anger/irritable disposition, depressed/anxious mood, somatic complaints, suicide ideations, traumatic experiences, educational status, special education status, offense level, and gender” (p.99) ceased to be predictive of offender placement in secure detention. The study did not find an effect on race as a predictor of placement in secure detention. Nonetheless, Mallett & Stoddard-Dare (2010) does suggest that the use of standardized instruments during the investigation and referral phase of justice system involvement may help to reduce the impact of factors associated with the overrepresentation of African American male offenders with EBD in the justice system.

While the implementation of a standardized instrument during investigation and referral may reduce the overrepresentation of African American juveniles adjudged guilty of offenses, research suggest that the measure may be too far removed from the source of the problem to truly effect change. *Understanding the Antecedents of the “School-to-Jail” Link: The Relationship Between Race and School Discipline* (Paternoster & Rocque, 2011) examines the relationship between school discipline and disengagement in African American youth as having a causal link to the disproportionate representation of African Americans in the juvenile justice system. Researchers employed a mixed method of direct observation of student teacher interactions and analysis of school records

concerning discipline and achievement. They analyzed findings through a racial threat theory, which predicts “racial majorities... [will respond] with more stringent means of social control” (p. 663) in settings with a large minority population out of a perception of the minority as a “menace.” Findings suggest that African American students experience disengagement as early as elementary school. They further identified that “schools that have a higher proportion of African American students have significantly higher levels of disciplinary referrals” (p. 663) irrespective of classroom/teacher and student characteristics. Researchers posit that this may result from disproportionate discipline, “that is not explained by differential behavior and is thus unjustified” (p. 662), of African American students as compared to others. The study fails to achieve its stated goal in that it does not go on to examine the rate of delinquency among students. Nonetheless, if the “school to jail” link is accepted as fact, the research suggests that the juvenile justice system should be concerned with school discipline, and that particular attention should be paid to proportionate and justifiable discipline that is thoroughly explained to students.

In acknowledgment of the overrepresentation of African American youth in the juvenile justice and school disciplinary systems, Birchmeier, Nicholson-Crotty, & Valentine (2009) attempt to “demonstrate that disproportion in school [discipline] correlates with disproportion in the justice system and to show that the differences in suspension rates cannot be explained by student behavior alone” (p. 1009) through assessment of Missouri education and justice system records. The data set used included school records for “African American and Caucasian youth aged 10-17 in 53 Missouri counties” (p. 1009). Birchmeier, et al (2009) use labeling theory to suggest that the bias within the school system results in “problematic styles of thinking about authority” (p.

1008) thus creating a “self-fulfilling prophecy” of overrepresentation of African Americans in the justice system. Birchmeier, et al. (2009) establish the causal link between suspension and referral to the criminal justice system through their finding that “[t]he relative rate of black versus white out-of-school suspensions...is positively and significantly related to relative referral rates into the juvenile justice system” (p. 1014). They go on to establish that the disproportionate suspension rate is based on bias by analyzing the suspension rates for specific offenses. Control variables in the study included income and population density. As anticipated, researchers found a greater disproportion in referral of African Americans to the justice system in “counties with greater black-white wealth disparity” (p. 1013). They also found that “racial disproportion in referrals [was] higher in urban areas” (p. 1013). Birchmeier, et al. (2009) supports the proposition that policy level reform is needed within schools. The findings may also serve to explain why African American students have been found to distrust authority figures and perceive the justice system as biased against them.

Graham, Harvell, & Woodlard (2008) examined the connection between race, age and the perception of injustice in the justice system through in-person interviews with juvenile offenders. Research included the Los Angeles, Philadelphia, North Central Florida, Northern and Eastern Virginia. Their findings suggest that, among African Americans, anticipation of injustice increased as age and involvement with the justice system increased. Results further indicated that African Americans without experience with the justice system anticipated injustice at higher rates than their White counterparts. While researchers indicated environmental factors (such as median household income, education level of adults age 25 and over, and percentage of families living below

poverty in the respondent's zip code), and IQ were considered, they acknowledge that questions posed to participants were not narrowly tailored to extrapolate the effect of access to resources on the perceptions of injustice.

Community

Regardless of demographics, oppression affects people on a psychological level. Hirschfield (2008) analyzed the applicability of labeling theory to the self-perceptions of juvenile offenders from "high poverty urban neighborhoods" (p. 575). In so doing, Hirschfield (2008) employed a qualitative methodology in which one on one interviews were conducted of adjudicated juveniles between the ages of 18 and 20. Based on his findings, Hirschfield (2008) posits that labeling theory, as conceptual framework that assumes "formal sanctions contribute negative defining information to youth... [thus] reinforcing delinquency" (p.575), is inadequate when applied to his population. Hirschfield (2008) supports his assertion with results from his research which suggest that the "labeling effect" is undermined, within poor urban communities, by negative perceptions of the criminal justice system, high levels of police presence, normalization of incarceration resulting from the prevalence thereof among community members, and the insulation of offenders from "the harshest consequences of negative labeling" (p. 594) resulting from sealed juvenile court records. He suggests that because community members in poor urban settings maintain a perception of bias against them they consider arrests to be routine and do not afford them the "negative appraisal" held by society at large. His findings suggest a need for a holistic approach to juvenile justice that extends beyond the youth and family to the community at large. The criminal justice system generally, and the juvenile justice system specifically, is a shame based system. In order

for it to be effective in deterring criminal activity, citizens must believe that the system is fair and that offenders are guilty of the offenses for which they are convicted. Absent this, recidivism will undoubtedly run rampant.

Simons & Stewart (2010) employs the code of the streets theory to examine the relationship between “neighborhood street culture” and juvenile delinquency. The theory provides that “disadvantage, racial inequality, and limited economic opportunity foster street culture” (p. 571) within inner-city neighborhoods that is acceptant of violence, and provides opportunity for those “inclined to aggression to precipitate violent encounters in an approved way” (p. 570). Thus, through socialization, urban youth must learn to “comport themselves” to their environment. Researchers applied this theory to their analysis of data collected through a survey of adolescents and their caregivers in economically disadvantaged areas of Georgia and Iowa. Additional data from the U.S. Census and homicide rates was also used. Results indicated “that neighborhood street culture had a direct influence (contextual) and conditional influence on adolescent behavior” (p. 592). Based on the underlying assumption that the negative street culture was the result of “disadvantage, racial inequality, and limited economic opportunity,” researchers suggest advocacy is needed on a societal level to ensure equitable access to resources across cultures.

The societal lens, however, is only one way to look at the effect of community on this problem. Burnette, Chauhan, Reiner & Reppucci (2010) seeks to gain a fuller understanding of the overrepresentation of African Americans in the Juvenile Justice system through the combined lenses of differential selection and differential involvement theories. By combining these theories, researchers suggest that both maladaptive

behaviors of African Americans and bias within the justice system result in the overrepresentation of this population. Burnette and colleagues (2010) also suggest that this combined theory can be used to examine the effect of the offenders surroundings on their involvement in the justice system in that the offenders “neighborhood can contribute to racial disparities in offending via...increased opportunities for involvement in antisocial behavior...and by greater police surveillance. In fact, the study found that when offenders were evaluated based on geography, there was substantially less disparity between re-arrest rates among African American and Caucasian offender. While the findings suggest that the bias within the system is not leading to the overrepresentation of African Americans in the juvenile justice system, it does not address the “ghetto” phenomenon and the resulting fact that it is more likely for African American youth to reside in areas that predispose them to criminal justice system involvement.

Grunwald, Harris, Izenman, Lockwood, & Mennis (2011) sought to understand the effect of surroundings on the propensity for involvement in the juvenile justice system as a means to create more effective offender programming. They provide that, “the ability to identify the effects of social disorganization on mitigating the gains from program participation is paramount to creating programs that promote positive physical, social, and affective youth development” (Grunwald, et al., 2011, 175). As has been consistently found, the results from Grunwald, et al. (2011) suggest that high rates of poverty and violent crime were the most influential predictors of delinquency and recidivism among juveniles. However, the findings from Grunwald, et al (2011) go beyond understanding in that researchers found that when they controlled for poverty and crime rate, initial delinquency remained higher among African Americans. Recidivism,

however, was higher among non-African Americans in similar situations. Based on these findings, researchers suggest that there may be factors beyond poverty, which exist in poorer neighborhoods that contribute to recidivism. It is because of such findings, that a holistic approach to juvenile justice is needed. No one factor can, standing alone, explain the overrepresentation of African American males in the juvenile justice system. In fact, one of the most grievous mistakes made by researchers in this area has been the attempt to isolate the child/the problem from the network of factors impacting them.

Family

The maladaptive behaviors that children observe in their communities are often also observed in their homes resulting in various negative consequences for child and parent. While research has shown that there are not disproportionate levels of abuse in African American families, there are grave disparities in reports of child maltreatment, choice to investigate those reports, and removal of African American children from their homes and families of origin.

Mann & Reynolds (2006) used data from the Chicago Longitudinal Study to discuss risk factors and preventative factors effecting recidivism rates in African American youth through a risk resilience framework. The study primarily identified risk factors. The areas of focus included “family, social function, and school level.” In the area of family, the research identified abuse and negligence as prominent risk factors. Researchers attributed the significance of this risk factor to the inhibition of socialization caused by an abusive family structure. They noted that the lack of socialization resulting from abuse and neglect often leads children to suffer from emotional and behavioral disorders. This was tied closely to the school risk factor in that Mann & Reynolds (2006)

found placement in special education, resulting from EBD diagnosis, correlated to a higher instance of juvenile delinquency. Stability of the family further connected to school risk factors and to delinquency in that frequent school transitions were also found to result in higher delinquency rates. Mann & Reynolds (2006) declined to make an assertion regarding the cause of their results. However, they suggested results may relate to deficiencies in the special education system. Their research supports a proposition that effective prevention of recidivism will require a holistic approach to juvenile justice that extends beyond the child and supports the family structure as a whole.

In their study *Adolescents with Disabilities in the Juvenile Justice System: Patterns of Recidivism*, Barrett, Hsu, Katsiyannis, Ju, & Zhang (2011) sought to refine existing knowledge of factors influencing recidivism to those which are most impactful for juveniles with disabilities. They did so through a secondary analysis of data collected during the intake/recommendation process for juvenile involvement in the South Carolina Department of Juvenile Justice. Researchers separated participants into groups based on their “age at first referral, first referral offense severity, family delinquency history, drug use history, gender, ethnicity, and family income” (p. 292). Categorization of participant this way resulted in a finding that a “African American males...from famil[ies] with delinquency history are more likely to have a record...” (p. 293). These youth were also found to experience a higher rate of recidivism. Barrett, et al. (2011) suggest that their findings indicate a need for preventative strategies tailored to the needs of this group. They further support a holistic approach to juvenile justice that involves parents. They suggest that such an approach might mitigate the negative effect of parental delinquency on children.

In their research, Bright, Dorn, Johnson-Reid, Nebbitt, & Williams (2010) identify several factors that they feel contribute to the overrepresentation of African Americans in the juvenile justice system. Among the factors that they identify are “well-intentioned policies that have...allowed minority families to come under increased scrutiny” (p. 254), mental health needs of children and parents, and family history of delinquency. Bright et al. (2010) suggest that these factors contribute to maltreatment within African American families which their findings support as having a strong correlation to delinquency. The study went on to find that “African American adolescent males [in the child protection system] with a delinquency petition have higher service needs than those without” (p. 257). This finding might simply be a collateral result of involvement in two systems. However it might suggest that these young people have greater underlying needs which having been met prior to their involvement in the juvenile justice and/or child protection systems could have prevented involvement in both. These findings further suggest that there are wide ranging policy implications for the resolution of factors contributing to the overrepresentation of African Americans in the juvenile justice system.

In light of the policy preference toward placement of maltreated children in the care of relatives, Hernandez, Herz, Hong, & Ryan (2010) seek to examine the effect of kinship foster care on the risk of juvenile delinquency by cross referencing records from the Los Angeles Departments of Children and Family Services and Probation. Researchers also conducted a benefits analysis for consideration. Results indicate “a wide range of positive outcomes in child welfare including family connectedness, reduced trauma associated with placement, increased placement stability, and more positive

reports of the placement environment” (p. 1827). They also indicate that, for African American males, “kinship foster care placements are associated with significantly higher risk of juvenile delinquency as compared to similar youth in non kin foster homes” (p. 1827). A similar result was found in Caucasian males. The opposite effect was seen in Hispanic children and no effect was observed with regard to African American or Caucasian girls. The scope of Hernandez and colleagues (2010) was not sufficient to ascertain factors that leading to the negative impact of kinship foster care of African American male delinquency. However, researchers noted that relative care providers identified their neighborhoods as an area of concern and further investigation of the relationship between environment and delinquency would be beneficial.

In seeking to determine whether a correlation exists between involvement in the child welfare system and certain dispositions of juvenile justice complaints, Hernandez, Herz, Marshall, & Ryan (2007) reported considerable bias. Specifically, researchers found that while community based programs have been shown to be more effective in rehabilitating juvenile offenders; youth involved in the child welfare system were more likely to be placed in correctional placement than others. Researchers suggest that their findings are the result of a bias toward transferring the expensive cost of caring for maltreatment victims off of the child welfare system. In their own words, Hernandez et al. (2007) found that “child welfare bias within the juvenile justice system is associated with both short term (closing of the child protection case) and long term (recidivism) consequences. These findings are of consequence to the present research question because “African Americans are more likely to be investigated for maltreatment, are more likely to have a child placed in foster care, spend more time in foster care, and are

less likely to achieve family reunification” (Hernandez, et al., 2007, p. 1047 citing Courtney & Skyles, 2003). They are also disproportionately represented in the juvenile justice system. As such the results of Hernandez, et al. (2007) suggest that this may in part be the result of a policy toward diverting the cost of child welfare involvement to the juvenile justice system as opposed to placing focus on family reunification.

Individual

All of these factors weighing on a child inevitably lead to emotional and behavioral concerns that have been found to result in ever increased risk of involvement in the juvenile justice system. Johnson, Lingefelt, Morton, & Parker (2005) sought to identify predictors of violent re-offense in young male offenders through the administration of Minnesota Multiphasic Personality Inventory for Adolescents (MMPI-A) tests to juvenile offenders exiting the juvenile justice system. To obtain their sample, Johnson, et al. (2005) partnered with the South Carolina Department of Juvenile Justice Evaluation Center; an agency which conducts “multidisciplinary evaluation[s]” (p. 409) for all juvenile offenders exiting the South Carolina system. Researchers analyzed offender MMPI-A scores as compared to their official state criminal records to determine if certain personality traits resulted in an increased likelihood of violent re-offense. Researchers further analyzed this information as compared to the median family income of the offender. “[R]esults suggest[ed] that prior nonviolent offenses do predict serious nonviolent offending in male [offenders] (Johnson, et al., 2005, p. 413). Results additionally suggested a correlation between certain personality traits and the likelihood of violent re-offense. Specific personality traits identified by the study include, “poor anger control, the perception that others are persecuting you, difficulty controlling one’s

emotions and impulses,...[and] high levels of anxiety” (Johnson et al., 2005, pp. 413-414). Because Johnson et al. (2005) did not compare their results to those of the juveniles who did not reoffend it cannot be determined, from their findings, if the identified personality traits also existed in juveniles who did not reoffend. As such, further investigation is needed to determine if the correlation between these traits and violent re-offense truly demonstrates a causal link. Nonetheless, because many of the personality traits identified as prevalent among youth who have been diagnosed with EBD, the research does serve to focus the clinical interventions that might best prevent recidivism in this population.

Chen & Vazsonyi (2010) examined “developmental risk[s] of entry into the juvenile justice system between ages 8 and 18 ...”(p. 668) across various ethnic groups. In so doing, Chen & Vazsonyi (2010) focused on the extent to which “teacher rated aggressive behavior measures...were predictive of entry risk (p. 688). The study used longitudinal data collected through a community collaborative violence prevention study which assessed the effectiveness of school interventions. Variables measured included age, sex, race/ethnicity, zip code, “median household income, education level of adults age 25 and over, and percentage of families living below poverty [in child’s zip code] (p.670),” aggressive behavior (as measured by teacher), and age of entry into the juvenile justice system. The “teacher rated aggressive behavior measures” used were the “child behavior checklist” and the “teacher report form (p. 670).” The study found not only that, in all racial groups, a high rating of aggressiveness correlated to a heightened risk of delinquency, but that the risk nearly doubled “for youth for every one-unit increase in aggression” (p. 674). This risk was elevated for boys and increased between the ages of 8

and 14 after which it dropped off. Entry into the juvenile justice system also increased for youth in zip codes with lower median household income, lower education level of adults age 25 and over, and a greater percentage of families living below poverty.

Researchers purposed that their findings supported the work of Gottfredson & Hirschi (1990) which suggested that “deviance might be the result of failing to learn appropriate behavioral alternatives to aggression or deviance early in life (p. 675).”

Similarly, Barrueco et al. (2005) evaluated the effectiveness of the Teacher Observation of Classroom Adaptations-Revised (TOCA-R) in predicting future criminal court involvement. The TOCA-R measures aggressive behavior, among other things. Researchers conducted a quantitative analysis of data collected regarding 845 girls in the Baltimore Public School system. They compared their results to a similar study conducted regarding boys. Both studies found that higher teacher ratings of aggression correlated to later criminal court involvement. However, Barrueco et al. (2005) found that while screening, using the TOCA-R, was effective in predicting later court involvement in boys as early as the first grade, it was most effective for girls if conducted after third grade. Most importantly, researchers found that the tool sharply declined in effectiveness after the fifth grade. This suggests that early intervention is preferable and that existing juvenile justice programming, which is primarily targeted to middle school children, may be ineffective.

Conclusion

Risk factors for involvement in the juvenile justice system exist at a societal, community, familial and personal level. It is important that the justice system contain responses narrowly tailored to holistically address these factors. Failure to do so has resulted in overrepresentation of African American male offenders with identified EBD within the juvenile justice system. Some might argue that such a narrow population is not deserving of the time and attention necessary to alleviate such a large number of factors. However the moral and fiscal consequences that would result from the decision to ignore this need are tremendous.

Conceptual Framework

This study seeks to gather perspectives on the effectiveness of the juvenile justice system in addressing the risk factors that lead to the disproportionate recidivism rates of African American males with emotional/behavioral disorders (EBD) in the juvenile justice system. Perspectives were sought from professionals from a variety of disciplines working with and within the system. An interdisciplinary sampling was chosen in hopes of identifying gaps in a number of areas in the system.

Research has found a variety of factors that contribute to the over representation of this population in the juvenile justice system. These factors range from societal to individual characteristics. For each there is an underlying theory to explain the causal relationship. In order for this study to fully evaluate the effectiveness of the juvenile justice system in meeting the needs of this unique population, each of the major theories was integrated. Most importantly, the ecological systems theory was used to tie the factors, and their associated theories, together for a cohesive understanding of public policy implications.

On a societal level, symbolic threat and labeling theories have been used to explain the impact of prejudice. Symbolic threat theory proposes that the majority culture perceives African American males in general as a threat to the status quo and thus unconsciously seeks to oppress them through the exertion of unreasonable social control (Johnson & Leiber, 2008). The theory emerged in the late nineteen sixties and early nineteen seventies as an adaptation of, the more general, threat theory (Oskamp, 1999). It sought to understand and explain prejudice through the lens of the majority culture. Threat theory, generally, provides that human beings respond to “real” threats through

heightened anxiety and conduct in accord with that anxiety (Oskamp, 1999). Symbolic threat theory builds on this to provide that the majority culture perceives the minority culture as a threat to the status quo and thus responds, through social control, to neutralize the perceived threat (Oskamp, 1999). Labeling theory goes on to assert that negative perceptions result from the prejudice incited by symbolic threat (Birchmeier, Nicholson-Crotty, & Valentine, 2009).

Labeling theory emerged in the nineteen fifties with Becker and Lemert (University of Minnesota, Duluth [UMND], 2010). The theory seeks to understand deviance from the perspective of the deviant. The theory divides deviant behavior into two categories, primary and secondary deviance (UMND, 2010). Primary deviance is that which is undertaken by a person who sees themselves as generally within the societal norm. Secondary deviance on the other hand, is undertaken by a person who views themselves as deviant by nature as a result of societal perceptions of them (UMND, 2010). In the context of juvenile delinquency, proponents of the theory argue that “negative labelings become turning points in individuals’ identity; henceforth s/he is apt ‘to employ his or her deviant behavior or a role based upon it as a means of defense, attack, or adjustment to the problems [that] created the subsequent societal reaction.’ Having been processed by the juvenile justice system and labeled a delinquent, or harassed by the police as a gang member, the individual takes on that label as a key aspect of his/her identity (UMND, 2010, ¶1). As applied to the population presently at issue, the youth internalize the negative perceptions of African American males which lead them to perceive themselves negatively and to act out in a manner compliant with societal expectations for them.

On a community level, social learning theory underlies the prevalence of the overrepresentation of African American males with EBD in areas with low incomes, high rates of poverty and little education. Social learning theory was developed by Albert Bandura as a means of understanding the way in which people learn from one another (Ormrod, 1999). The theory provides that people learn by observing one another. It goes on to provide that when people emulate the behavior they observe, they are either reinforced through acceptance and affirmation from their peer group, or discouraged through punishment (Ormrod, 1999). The theory connects to labeling theory in that it posits that people are most likely to emulate behavior they have been reinforced to believe they are capable of being successful at (Ormrod, 1999). When applied to the areas in which a majority of African American male offenders with EBD reside, the theory would suggest that the youth are emulating the behavior they observe around them. Low income communities are often breeding grounds for violence, drug use, and delinquency. Youths observe the maladaptive behaviors around them and internalize them. They then model the behaviors by becoming involved in the justice system themselves. The perception that the justice system is biased, which results from the inappropriate assertion of social control caused by the symbolic threat, goes on to reinforce the delinquent juvenile by creating a community in which negative interactions with the justice system are normalized.

Social learning theory continues into, but does not fully account for, the family level factors. The theory would suggest that children of younger parents with less education and a history of involvement in the criminal justice system would learn and emulate behaviors which align with those traits thus resulting in higher levels of

involvement in the juvenile justice system. The theory would also suggest that children who are raised in a physically abusive home would adopt aggressive behavioral traits which have also been associated with higher rates of justice system involvement.

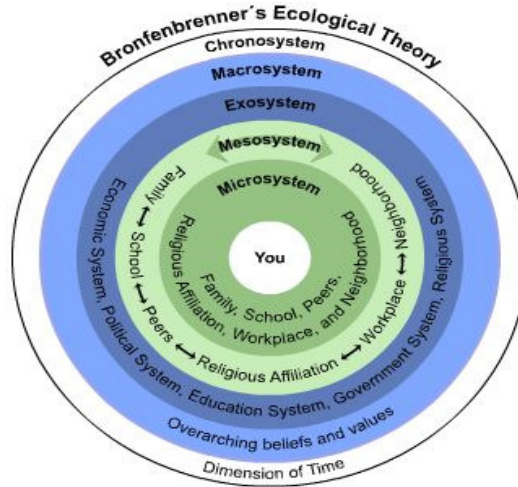
Attachment theory is similarly relevant in this area. Developed by John Bowlby in the early twentieth century to explain the connection between infant and caregiver, attachment theory provides infants require an affectionate and supportive relationship with a primary caregiver in order to feel secure (Fraley, 2010). Mary Ainsworth expanded the theory to provide that children who do not establish the requisite relationship with their primary caregiver develop maladaptive, and often angry and/or anxious, response pattern which inevitably causes difficulty during childhood and beyond (Fraley, 2010). As such, attachment theory would suggest that African American male offenders with EBD, who are often raised in environments which deny them essential nurturing and connection with their primary caregiver, develop insecure attachments associated with anxiety, personality, and behavioral disorders.

The remaining individual level factors are explained by Erickson's theory of psychosocial development. This theory explains child development in terms of stages that the child progresses through and milestones that the child must achieve at each stage (Clifton & Davis, 1995). A majority of the individual level factors identified by research begin at school age, during what Erickson titled the "Industry vs. Inferiority" stage (Chen & Vazsonyi, 2010), (Clifton & Davis, 1995). During this stage, children seek to comply with societal expectations of them in an attempt to be "good" (Clifton & Davis, 1995). The results of the child's attempts will be competence or inferiority. If a child is praised for their achievements and encouraged to perform well, they will attain competency

(Clifton & Davis, 1995). However, placed in the school environment, African American males with EBD are not faced with praise (Chen & Vazsonyi, 2010). Instead, due to symbolic threat, they face disproportionate punishment and expectations of failure. The result is an ingrained sense of inferiority that follows them into the “Identity vs. Confusion” phase. Having decided that they are inferior, African American males with EBD seek role models outside of mainstream society and find reinforcement and belonging in their communities where maladaptive behavior is encouraged.

None of the factors or theories taken alone can explain or prevent the overrepresentation of African American males with EBD in the juvenile justice system. As such, ecological systems theory serves to bind them together into a cohesive understanding of the cause(s) of this problem. Ecological theory was introduced in the early nineteen seventies as a reaction to the limited scope of research theories of the time (Bronfrenbrenner, 1994). Instead of attempting to explain human behavior as a function of any one force, the theory provides that child development, and human behavior are functions of the input children receive from all of the systems that surround them (Bronfrenbrenner, 1994). Among the systems identified by the theory are the microsystem, which includes the child’s immediate family, school and neighborhood; the mesosystem, which encompasses the child’s extended family and groups with which the child identifies; and the macrosystem, which is composed of society as a whole and accounts for the systematic messages the child may receive (Bronfrenbrenner, 1994). The theory posits that children’s interactions with these systems shape their view and experience of the world, as well as their resulting behavior (Bronfrenbrenner, 1994). Thus, the theory can be construed to encompass all of the theories discussed above in that

each of the theories provides an explanation for the child's behavior as resulting from their interaction with the world around them.



(Neilson, 2011)

Methodology

Participants

In order to fully capture the perspectives of professionals working in and with the juvenile justice system, a mixed methodology was employed. Online surveys with one section of open ended questions were administered to prosecuting attorneys, defense attorneys, judges, and social workers in the juvenile justice system. Participants were limited to Hennepin County, MN. A mixed participant recruitment method was employed. The primary form of participant recruitment was agreements with agencies through which supervisors forwarded email invitations to their staff. The secondary participant recruitment method was a snowball sampling of persons to whom participants choose to forward their email invitation. A sample size of 50+ participants was anticipated. However, thirteen participants started, but only twelve completed the survey. All participation was voluntary. There were no known risks or benefits associated with participation in this study.

Survey

Prospective participants were emailed an invitation to complete an electronic survey. The survey was developed using “Qualtrix”, an online survey tool. The Qualtrix system allowed participants to respond to the survey by following a link developed by the system specifically for the survey. The survey became available on February 8, 2012 and remained available until March 18, 2012. Qualtrix stored participant responses in a password protected account during this period.

The survey did not include any identifying information about the participant. The survey was created by the researcher in consideration of the many factors that work

together to result in overrepresentation of African American males with EBD in the juvenile justice system. Both open and closed-ended questions were included. The three categories of questions in the survey included *demographic*, *research identified risk factors*, and *independent perceptions*. The length of the survey was intentionally limited in respect of the time of the professionals being interviewed. It took an average of 17 minutes and 46 seconds for respondents to complete the survey. This was within the anticipated range of 15 to 20 minutes.

Analysis

The research proposal called for the *demographic* information to be tabulated and cross referenced with participant responses to determine trends in responses within specific subgroups of participants. However, because of the sample size, such a cross reference was not able to be performed. Additionally, *research identified risk factor* questions were to be used to measure the effectiveness of the system in addressing needs identified by existing research and *independent perception* information was to be used to identify recidivism factors not otherwise identified by existing research, and to review the effectiveness of the system in addressing these needs.

Once the data collection period elapsed, the Qualtrix system tabulated the results and provided an aggregate of participant responses to closed questions and transcript of participants' narrative responses to open-ended question. The resulting reports were printed for analysis. Researcher read all narrative responses to identify trends. Results will be deleted from the Qualtrix system, and any hard copies will be destroyed, on May 15, 2012.

Analysis focused on participant perceptions about whether or not the juvenile justice system effectively addresses risk factors for recidivism identified by research. It went on to identify as yet un-researched risk factors and implications for policy and practice. The survey presented participants with seven research identified risk factors and asked their opinion regarding the effectiveness of the justice system in that area. Participants were presented with three options, “Yes (please explain how/ through what programs or measures); Yes, but inadequately (please elaborate and include your suggestions for improvement); No; (why do you think the system does not?). Deficits in the justice system will be noted each time that a participant responds “Yes, but inadequately” or “No”. The comments provided in response to the open ended prompts were used to inform implication for social work practice and future research. Participant identified risk factors were compared to research identified risk factors to determine additional areas of concern for this population, and to further inform the implications for social work practice and future research.

Confidentiality

Upon entering the online survey, participants were presented with an informed consent statement. Participants indicated consent by clicking “yes” or “no”. An affirmative response to the consent questions was required in order for participants to participate in the online survey.

Results

Demographic Information

Thirteen professionals participated in the study. The thirteen respondents represent a cross section of professionals from the Juvenile Justice community. In addition to racial and gender diversity; participants also play a variety of roles within the justice system, they maintain varying amounts of experience and hold various professional licenses. Tables 1 through 5 demonstrate this diversity.

Table 1: Race

Answer	Response	%
Caucasian	7	54%
African-American	5	38%
Hispanic American	1	8%

Table 2: Gender

Answer	Response	%
Male	3	23%
Female	9	69%
No Response	1	8%

Table 3: Roles

#	Answer	Response	%
1	Judge	1	8%
2	Prosecutor	1	8%
3	Defense Attorney	2	15%
8	Advocate	3	23%
9	Other (please specify)	6	46%

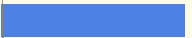





The “other” category included:

Defense Social Worker
Youth worker at a non profit
JDAI Staff Person
Nonprofit director with related mission
Legal Disposition Advisor
Juvenile Corrections Manager

Table 4: Years of Experience

Text Response	
1 Years	10 year
2 years	10 years
4 years	19 Years
5.5 years	20 years
6 years	23 years
6 years	35 years
8 years	

Table 5: Education/Licensure

#	Answer		Response	%
1	Law License		5	38%
2	Generalist Social Work License		0	0%
3	Graduate Social Work License		1	8%
4	Clinical Social Work License		1	8%
5	Other Bachelor's degree; no professional license		2	15%
6	Other Master's degree; no professional license		3	23%
7	Other (please specify)		1	8%
	Total		13	100%

Research Identified Risk Factors

Participants overwhelmingly responded that the Juvenile Justice system either inadequately addresses or does not address research identified risk factors for recidivism. Participants attributed the deficits in the justice system to a variety of things. These responses ranged from programs within the juvenile justice system that are in the process of developing, to funding and factors being outside of the scope of the juvenile justice system. The participants that indicated the justice system adequately addressed research identified risk factors attributed their perception to existing programs, but did not always identify the referenced program by name.

Bias Among Decision Makers

Two participants indicated that the justice system adequately addresses “the potential for bias among employees/professionals.” These participants attributed their response to the “Equal Justice Committee of the District Court”. The goal of the Equal Justice Committee, as stated on the District Court’s website is to “To ensure that every man, woman, and child has equal access to justice and can expect, in full confidence, to receive equal justice under the laws of the State of Minnesota.” To this end, the Equal Justice Committee maintains a process for the submission of complaints regarding bias in the District Court system. The Equal Justice Committee brochure indicates that the committee, “review[s] complaint[s] and refer[s] [them to] the appropriate supervising authority. The committee also takes efforts to provide ongoing education to members of the court system to address issues that may be presented in complaints and other concerns of bias.”

An additional four participants indicated that the justice system inadequately addresses this factor. These participants indicated that while the system maintains policies and trainings regarding decision maker bias, these policies are negatively impacted by funding limitations, and trainings are not mandatory.

The need for training continued as a theme in the responses of the remaining five participants who indicated that the justice system does not address decision maker bias. Another theme that emerged was the inability of the system to recognize the bias within it. One participant characterized the bias as “subtle and unstated” while another described it as “built into [the] DNA” of the justice system. A participant described this inability to recognize bias as necessary to the continued integrity of the system; and stated that “to account for this bias would be to seriously undermine the system as it is currently constituted.”

Perceptions of Juveniles

Only one participant indicated that the juvenile justice system adequately addresses youth’s perceptions that the system is biased against them. This participant once again pointed to programs available within the system. They indicated that “culturally specific programs are available.” Unfortunately they did not specify what those programs are and/or how they address the specified factor. No elaboration was offered by the two participants who indicated that the system inadequately addresses this factor.

The theme of training once again continued in the responses of the nine participants who indicated that the justice system does not address youth’s perceptions. Participants indicated that youth are rarely invited to present their perspectives during

trainings and, as such, the system is unable to respond to them. This was closely connected to a new theme that emerged; the failure of the juvenile justice system to seek out youth's perceptions. One participant indicated that "[t]he input of youth is not collected nor evaluated unless a study is conducted." While another indicated that "the Juvenile Justice system is very black and white with little room for subjectivity;" and yet another indicated that "the Juvenile Justice System simply does not care about the perceptions of its African American clients." This theme is closely tied to the final theme that emerged with regard to this factor; the general failure of the justice system to narrowly tailor responses. One participant indicated that "consequences are not well designed to deal with juvenile needs" while another indicated that "they want to focus on bad behavior" rather than to address factors that lead youths to involvement in the justice system.

Offender Neighborhoods

None of the participants indicated that the system addresses this factor adequately; however the four who indicated that the system addresses this factor inadequately referenced programs that remove offenders from their communities, into safer environments, but fail to address the underlying conditions in communities of color. One participant indicated that the system is "not equipped" to address this factor and provided that "communities, non-profits and the such are the places to make this happen. [sic]"

The limitations of the justice system continued to be a theme among the eight participants who indicated that the juvenile justice system does not address the conditions in the communities in which youths live. While two participants simply stated that this

factor was beyond the scope of the justice system and “not possible” to address; other participants identified other systems, such as schools and police, who might more effectively address the issue and/or modification to the system that might expand its capacity to effect change in this area. One participant called for “the police to do more community outreach and for community advocates to address these issues and cultivate change.” Another participant called for collaboration with “education, public health, [and] DHS.” Yet another indicated that the current “punitive based models cannot solve these issues” and suggested that an “assets based model” would more adequately address the need. This is closely related to the recurrent theme, that the focuses solely on behavior to the detriment of all other factors.

Abuse & Negligence

The two participants who indicated that the juvenile justice system adequately addresses abuse and negligence simply indicated that the system “addresses both sets of issues.” The seven who indicated that the system addresses this factor inadequately also referenced programs. One participant indicated that they were uncertain about the programs and procedures currently in place, but indicated that they knew there is a process. Another elaborated to provide that a “cross-over” calendar has been implemented to address this factor, but it remains in its early stages. Yet another suggested the addition of case management. Unfortunately the two participants who indicated that the justice system does not address negligence and abuse in youth’s families did not elaborate on their views.

Emulating Parents

The participant who indicated that the juvenile justice system effectively addresses this factor, tied the factor to the abuse and negligence factor and asserted that the juvenile justice system addresses this by addressing characteristics of parents in those cases. Those who indicated that the system inadequately addresses this factor did not elaborate on their perspective. The eight participants who indicated that the system does not address this factor were nearly unanimous in their assertion that the reason that the system does not address this factor is because it focuses on the youth's behavior. To remedy this, participants suggested "more accountability may need to be placed on parents", "family group conferencing, as is done in New Zealand", and building on "family pride and dignity while educating about better choices." One participant also pointed out that this issue extends beyond the justice system to society as a whole where "we need to address not just negative cycles, but addressing problems and solutions needed to eliminate them.

Unmet Mental Health Needs

The participant who indicated that the juvenile justice system effectively addresses this factor did not specify in what way the system does so. Themes amongst the eight participants who indicated that the system inadequately addresses this issue included resource availability, bias within the justice system, and deficits of the mental health system. In the area of resource availability, participants indicated that "mental health resources are not always readily available and are costly" and are not readily "available to youth and their families prior to involvement in the juvenile justice system." System bias was identified as an inhibitor to addressing this factor in that, "whereas White children are primarily perceived as having problems...the same underlying issue

for minority children are perceived as young thugs or criminals...” Deficits within the mental health system included mental health social worker burnout and resulting unwillingness to “look at resources beyond the programs ‘picked’ by upper management”, the lack of mental health providers of color, and the inadequacy of “cross-racial diagnosis” instruments.

Those who did not feel that the system addresses this factor at all returned to the themes of training and scope of the justice system. Of the three participants who responded in this manner, one indicated uncertainty about the appropriateness of the requiring mental health treatment. Another harkened to the lack of resources, specifying “staff, training, [and] programming.”

Educational Needs

None of the participants indicated that the court adequately addresses youth’s unmet educational needs (including disengagement, lags in academic achievement, and the inadequacy of special education programs). The two participants who indicated that the system inadequately addresses this factor cited both the lack of funding for intensive day treatment programs and the difficulty in overcoming the youth’s “pattern of disengagement” and the resulting hostility of school officials.

The themes among the ten participants who indicated that the system does not address this factor at all were closely connected. Several participants indicated that this factor was outside of the scope of the court system. However, participants’ approaches to this theme were varied. One participant indicated that the appropriate system to address this need is the school system; while another indicated that the juvenile justice system approaches [this factor] as a ‘pass the buck’ game” and places responsibility for this

factor with the school system. Another participant returned to the punitive nature of the juvenile justice system and noted that this approach “is not conducive to holistic services.

Trends by Subgroup

Because of the sample size, it was not possible to determine statistical relationships between demographic information and participant responses. In spite of the lack of a statistical relationship, it is notable that legal professionals were the only participants to indicate that the juvenile justice system adequately addresses any of the research identified risk factors. Additional research is needed in order to determine the cause of this result.

Independent Perceptions

Two open ended questions were used to solicit participant’s independent perceptions about yet un-researched risk factors and barriers to addressing those factors. Of the participants surveyed, eight responded to the question regarding additional risk factors and ten responded to the question regarding barriers to addressing those risk factors. Several trends emerged among respondents to both questions.

Risk Factors

Trends among respondents to the question regarding additional risk factors included policing, the need for community programs and services, shortcomings of professionals, flaws in the justice system, and societal factors.

In the area of “policing”, respondents identified “over policing” and “profiling”. Respondents further cited a general lack of “support service agencies” and “community connections” to address youth’s needs. The identified, under served, needs included foster homes, healthcare, jobs for youth, and “outlets to help steer kids toward positive

life choices.” Along this line, respondents also noted that there is often a “mismatch” between professionals and youth in the justice system; and there is a resulting high turnover rate in staff.

On an institutional level, Respondents characterized the justice system itself as “antiquated” and reactive in a situation where proactive measures would more adequately address needs. They further admitted that the scope of the justice system’s reach is limited and the justice system is ill suited to address societal factors such as poverty, lack of economic opportunity, historical trauma, and media representations of youth.

Additional Barriers

Trends among respondents to this question tracked closely with trends in the prior category. Respondents identified finances, structural problems within the juvenile justice system, attitudes regarding reform, shortcomings of community programs, and a lack of education among juvenile justice professionals as barriers to addressing recidivism.

Specifically, nearly every respondent cited the lack of funding for programs as a primary barrier to addressing factors leading to recidivism. In spite of the focus on funding, the systematic barriers identified were largely philosophical as opposed to tangible things that can be resolved through funding. One respondent noted the legal limitations on the justice system and the fact that “the court ...can only address what has brought [a] juvenile to court in accordance with the law.” Along this line, other Respondents noted the punitive and “deficit-based” orientation of the justice system, the system’s limitation to only addressing immediate needs, and an overarching need for “an ideological shift in thinking.”

The type of large scale overhaul suggested by respondents requires a great deal of time, energy, commitment and will. Respondents identified a lack of all of these things as barriers. Some respondents went on to identify “fear”, “disinterest”, “inability to admit historical racism”, and the profitability of maintaining the status quo as causes of the lack of motivation for change.

Looking beyond the justice system itself, respondents noted a lack of “culturally centric” programming in the community. They also noted a lack of programs targeted to support parents of “troubled/difficult teen”, a need for African American mentors and more consistent staffing. Respondents further indicated a need for education among staff in the justice system generally.

Discussion

This study seeks to capture perspectives of professionals in the juvenile justice system regarding the effectiveness of the system in addressing factors that lead to the high rates of recidivism among African American male offenders with identified emotional/behavioral health concerns (EBD). Research has found a variety of factors that contribute to the over representation of this population in the juvenile justice system. These factors range from societal to individual characteristics. An online survey, made up of open and closed questions, tailored to solicit perspectives regarding not only these research identified factors, but also to obtain participant's independent perceptions regarding factors and barriers to addressing them was employed. The sample, for this study, was composed of thirteen professionals including both attorneys and social workers working in and on behalf of the juvenile justice system in Hennepin County, Minnesota. Because of the nature of the research question, survey responses necessarily focused on societal and systematic factors and responses.

Overall, findings showed a perception that the juvenile justice system is in need of reform. This was reflected in questions regarding the effectiveness of the juvenile justice system in addressing research identified risk factors for recidivism as well as in questions regarding participant's independent perceptions regarding as yet un-researched factors and barriers to addressing them. This perception occurred across all subgroups of participant regardless of their race, education or role in the justice system. Participant responses regarding the reason for system inadequacies were largely consistent with existing research regarding the causal relationship between risk factor and recidivism.

Symbolic threat theory proposes that the majority culture perceives African American males in general as a threat to the status quo and thus unconsciously seeks to oppress them through the exertion of unreasonable social control (Johnson & Leiber, 2008). Consistent with this theory, participants noted an inability of the juvenile justice system to recognize the bias within it and resistance to reform resulting from a desire to maintain the status quo. In their independent perceptions, participant expanded on this idea; identifying “fear” and “disinterest” as additional causes of the lack of motivation for change in the juvenile justice system.

Additionally, consistent with the symbolic threat theory, participants noted an inability, or possibly unwillingness, of the juvenile justice system to move beyond its punitive focus in addressing the specialized needs of this population. Labeling theory would support the perspective that this approach to juvenile justice is ineffective, and rather than decreasing negative outcomes, encourages youth to act out in a manner consistent with the system’s characterization of them as deviant. (UMND, 2010).

Additional themes that permeated participant response included the need for funding, education, and community resources. Participants did not elaborate a great deal on funding as a theme; however funding was identified as a concern for both the juvenile justice system and the larger community working with youth who have previously been involved in the justice system. In the same manner as funding, education appeared in results as a theme and need both within the juvenile justice system and amongst the community organizations supporting the system.

Education appeared in two contexts. In the first context, participants indicated that mandatory in-service training regarding issues pressing to this population, and bias

inherent in the juvenile justice system is needed. In a second context, participants identified the need to hire qualified professionals to work with this population. Education in the second context appeared in the result only with regard to community providers and not as an issue for professionals working in the juvenile justice system. This is likely a result of the increased funding to offer trainings and require licensure of new hires in government agencies as compared to non-profits.

The need for professionals with adequate education and appropriate licensure was merely one of many concerns raised by participants with regard to community resources. In terms of staff, participants also noted high turnover and burn out rates, and poorness of fit between professionals and youth as concerns. Moving beyond staff to community resources generally, participants identified a lack of culturally specific programs, a lack of programs targeted to address the most pressing needs of youth and their families, eligibility barriers prior to involvement in the juvenile justice system, and costs associated with participating. In areas where needed services do exist, participants noted a lack of collaboration and a tendency to “pass the buck”/ avoid addressing the complex needs of this population by asserting that another system is responsible for doing so.

This tendency to “pass the buck” raises the important question of “what are the limits of the juvenile justice system?” As one participant pointed out, the juvenile justice system is a treatment court. To this end, the court “should” be more flexible than traditional courts and should maintain a focus on individual client needs. However, as several other participants pointed out, it is a court nonetheless. As such, there are certain limitations on the scope of the work that the justice system can do. There are statutes that regulate punishment and societal expectations regarding rehabilitation and restitution.

Participants were divided. While many participants' responses suggest that they felt it was within the court's power to address all of the research identified risk factors presented to them, others explicitly noted certain areas as outside the reach of the courts. Specifically, a subset of participants indicated that student disengagement is the responsibility of the school system and that while it leads to increased recidivism among members of this population, there is nothing that the courts can do to resolve the issue. Likewise, participants indicated that it was beyond the scope of the juvenile justice system to address the violent and socioeconomic disadvantage in the communities that many youth live in.

This question is particularly troubling in light of ecological theory which provides that all of the systems at play in a young person's life influence them. As such, to address risk factors in one system, or area, without consideration of the others is to fashion an incomplete remedy that will not result in resolution of the overall problem.

Implications

Societal

An undeniable power differential between the majority culture and all others exists in our society. This power differential has led to a host of problems, injustices and inequities including a woefully inadequate juvenile justice system that is not meeting the needs of African American boys with EBD. Whether one chooses to believe that the bias that results from this unbalanced distribution of power is intentional or not; the fact is that there is a bias and that as a society we must address this bias for the betterment of all. It is easy enough for any one of us to say that our children are not the ones committing crimes, and to use this as an excuse to dismiss the issue. However, our

economy is the economy deprived of the earning capacity of young people stripped of their potential. Our police forces are the ones overextended in their attempt to maintain safety and security. And our tax dollars are the ones that fund this broken system. As such, it is the responsibility of each and every member of society to evaluate their own way of thinking and the impact that that way of thinking has on the many systems interacting with these young people. As teachers, we must carefully consider our motivations in excusing young people from our classrooms. As school administrators we must develop standards for suspending students and carefully consider alternatives to doing so. As police officers, we must examine our intentions in stopping, talking to, and searching young people. And as professionals working in and around the juvenile justice system, we must ensure that we are doing everything we can to so that the system meets the needs of the youth it is intended to “serve.”

Ethical

Regardless of the prevailing perspective regarding the scope of the responsibility of the juvenile justice system, there is no question about the responsibility of social work professionals. All licensed social workers and members of the National Association of Social Workers (NASW) are bound by the NASW code of ethics and laws closely related thereto. The NASW Code of Ethics makes clear the expectations that social workers will be competent in their area of practice, that they will strive to attain cultural competence concerning the population with which they are working, that they will secure continuing education, and that they will seek to further the cause of social justice. The identified ethical responsibilities address nearly all of the concerns raised by participants concerning community resource professionals. Unfortunately, not all professionals

practicing as “social workers” are licensed and/or members of NASW. It is for this reason that NASW and the social work profession generally have been pursuing legislation that would require all “social work” professionals be licensed.

Research

One of the many deficits in the juvenile justice’s approach to addressing recidivism amongst African American male offenders with identified EBD, that participants identified, was a failure to ask needed questions and an unwillingness to recognize flaw in the system. To this end, discussion, research, and evaluation need to be undertaken.

While it is beneficial to hear voices of professionals working in the justice system, the voices of the youth, their families, and community members are also needed. A doctor would not treat a patient without first asking them what hurts; likewise, the justice system cannot venture to rehabilitate young people to their full potential without asking them what the source of their behavior is. In working with the youth, the system must necessarily work with all elements of their environment as well. To “rehabilitate” a young person and send them back into an unhealthy environment at home or school or in their community would be equivalent to pulling a victim from a burning building, treating them for smoke inhalation and then forcing them to walk back into the building. In such a circumstance, it would be unreasonable for the firefighter to become upset when he must once again rescue the victim from the burning building and treat them for the same condition.

In certain circumstances, the information received from the affected party will not be sufficient to fashion an effective intervention. In such instances, testing/research is

needed. The understanding of mental and behavioral health is ever expanding, however there continues to be questions that must be answered. This is especially true as related to the population in question. Many “best practices” were developed through research of the majority culture. The implementation of these practices with youth of color requires additional research. Many “best practices” were also developed in controlled setting and adaptations for the court, and community corrections environment may be needed.

Once perspectives are compiled and programming consistent with those perspectives is implemented, evaluation of that programming is needed. In response to the question regarding decision maker bias, participants identified a program through which parties involved in court proceedings can report bias that they perceive within the system. It was noted that training is provided in areas where bias complaints are repeated received. However, other respondents to the same question noted that while training is available, it is not mandatory and may not be attended by those who need it most. While it is not within the purview of this study to evaluate the effectiveness of the aforementioned program, there is an obvious disconnect between the responses. While it is wonderful to implement programs, there must be follow up to ensure that those programs are achieving their purpose.

Strengths & Limitations

In order to truly adhere to the ecological system theory perspective, professionals from a variety of the systems affecting the lives of juvenile offenders were solicited. One of the primary strengths of the research is the wide cross section of professionals who participated. By including both representatives from the social work and legal communities, the resulting data was enriched. The use of professionals also serves to

obtain the desired information without risk to juvenile offenders or their family members who are often members of vulnerable populations.

However, by limiting the study to professionals, a key perspective was omitted. The perspectives of juveniles and their families involved in the justice system are key to effective policy reform. The selection of participating professionals was an additional limitation of the study. By soliciting volunteers from within the justice system to participate in the study, it is likely that only likeminded professionals responded. An additional limitation was the length of the survey. Many professionals chose not to provide narrative responses explaining their perceptions of the juvenile justice system. This may have been a result of the length of the survey instrument.

Finally, while a wealth of information can be drawn from participant responses, the sample size limited the ability to identify trends, as well as the ability to generalize based upon results. Additionally, the survey tool that was employed bares with it additional limitations. Because it was created for the purposes of this study, its reliability and validity have not been tested. Furthermore, two of the questions posed in the survey tool were identified by some participants as biased against youth.

Conclusion

Juvenile justice is a complex problem with which our country has battled for many decades. It requires a certain degree of balancing. On one hand, the juvenile's behavior must be addressed; but on the other, their needs must be met. In what ways and to what extent the juvenile justice "system" of courts, jails, and probationers can achieve balance in addressing both of these needs remains to be seen. What is clear is that the system, as it is currently functioning, is preoccupied with its punitive goals to the

detriment its rehabilitative ones; and young African American males with Emotional/Behavioral Health concerns are suffering for it. As a society, we have placed a degree of importance on children; and specifically on their rights to education and to medical and mental health services. These young men are no less entitled to the protection of these rights by virtue of their involvement in the juvenile justice system. To this end, reform of the justice system is needed and it is the duty of both legal and social work professionals to ensure that it occurs. There are varying ideas about the way to go about this change. There are some who would overhaul the system and implement wholesale change while there are others who favor a more incremental approach. Whatsoever the approach adopted, the needed result is a holistic and restorative system.

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Appendix A: Agency Invitation Letter

Date

<<Contact Name>>

<<Contact Title>>

<<Agency>>

<<Address>>

<<City/State/Zip>>

Dear <<Contact Name>>:

I am contacting you today in my capacity as a Master of Social Work student. As a capstone to my degree program, I am writing a clinical research paper about the effectiveness of Juvenile Justice the system in addressing the factors which lead to high recidivism rates in African American males with emotional/behavioral health concerns. I selected this topic for a combination of professional and personal reasons. In addition to MSW candidacy, I am also a law student, a young woman who grew up in the heart of South Minneapolis, and a mother presently raising three sons (one who suffers from EBD) in the heart of North Minneapolis.

To this end, I will be conducting a study entitled Perspectives on the Juvenile Justice System. The goal of the project is to gather the perspectives professionals in the Juvenile Justice system regarding the system's effectiveness.

With your permission an invitation will be sent to you, which I request that you forward to members of your staff, to complete an online survey. The survey is completely confidential and will require twenty and thirty minutes to complete. Final written reports will be made available to any participating agencies that express interest.

If you assent to the participation of your employees, please contact me as soon as possible, and provide a letter of assent on agency letterhead. Thank you for your time and attention in considering my request.

Sincerely,
Carneann Foster
University of St. Thomas
School of Law, J.D. '12
School of Social Work, MSW '12
doug5646@stthomas.edu

Appendix B: Individual Invitation Email

Dear <<Contact Name>>,

You are invited to participate in a research study assessing the effectiveness of the juvenile justice system in addressing research identified factors which lead to high rates of recidivism in African American male offenders with emotional/behavioral health diagnosis. This study is being conducted by Carmeann Foster, student in the MSW program at St. Catherine University. You were selected as a possible participant in this research because of your work with, or on behalf of, juvenile offenders. Should you choose to participate, please click on the survey link below. The survey consists of several questions and will take between twenty and thirty minutes to complete. Your participation is 100% voluntary. The online survey tool maintains the ability to track respondent email addresses. This capability will not be employed for the purposes of this study. There are no direct benefits to you as a result of participation in this study. Should you have any questions and/or concerns regarding participation, please reply to this email.

Please feel free to forward this invitation to other professionals who might be interested in participating in this study.

Sincerely,
Carmeann Foster
University of St. Thomas
School of Law, J.D. '12
School of Social Work, MSW '12
doug5646@stthomas.edu

Appendix C: Survey

Informed Consent

Introduction:

You are invited to participate in a research study assessing the effectiveness of the juvenile justice system in addressing the factors which lead to high rates of recidivism in African American male offenders with emotional/behavioral health diagnosis. This study is being conducted by Carmeann Foster, student in the MSW program at St. Catherine University. You were selected as a possible participant in this research because your work with, or on behalf of, juvenile offenders. Please read this form and ask questions before you decide whether to participate in the study.

Background Information:

The purpose of this study is to capture perspectives about the effectiveness of the Juvenile Justice system in addressing factors that lead to the high rates of recidivism seen in African American male offenders with identified emotional/behavioral health concerns (EBD). Research efforts are being focused on professionals in the justice system. Results will be used to make recommendations for policy change. Approximately 50 people are expected to participate in this research.

Procedures:

If you decide to participate, you will be asked to complete an online survey. The survey will take approximately twenty to thirty minutes to complete.

Risks and Benefits:

The study has no known risks or direct benefits to you.

Compensation:

No compensations will be provided in exchange for your participation.

Confidentiality:

No identifying information will be requested in connection with this study.

Voluntary nature of the study:

Participation in this research study is voluntary. Your decision whether or not to participate will not affect your future relations with St. Catherine University in any way. You may refuse to answer any question you choose. If you decide to participate, you are free to stop at any time without affecting these relationships, and no further data will be collected.

Contacts and questions:

If you have any questions, please feel free to contact me, Carmeann Foster, at 612-558-6259. You may ask questions now, or if you have any additional questions later, the faculty advisor, Dr. Pa Der Vang, 651-690-8647 will be happy to answer them. If you

have other questions or concerns regarding the study and would like to talk to someone other than the researcher(s), you may also contact Lynn Linder, SCU IRB administrative assistant at llinder@stkate.edu, or (651)690-6203.

You may keep a copy of this form for your records.

Statement of Consent:

You are making a decision whether or not to participate. Clicking “yes” and continuing this survey indicates that you have read this information and your questions have been answered. Even after clicking “yes”, please know that you may withdraw from the study at any time and no further data will be collected.

1. I consent to participate in the study.
 - a. Yes
 - b. No

Demographic Information

2. What is your role within the Juvenile Justice System?
 - a. Judge
 - b. Prosecutor
 - c. Defense
 - d. Probation Officer
 - e. Police Officer
 - f. Corrections Officer
 - g. Legislator
 - h. Advocate
 - i. Other (please specify):_____
3. How long have you worked in/with the Juvenile Justice System (in current or previous positions)? _____
4. What is your educational/licensure Background?

- a. Law License
 - b. Generalist Social Work License
 - c. Graduate Social Work License
 - d. Clinical Social Work License
 - e. Other bachelor's degree; no licensure
 - f. Other master's degree; no licensure
 - g. Other: _____
5. What race do you identify as a member of? _____
6. How old are you? _____
7. What is your gender? _____

Research Identified Factors

8. Research indicates that bias among decision makers in the justice system is a factor. Does the juvenile justice system address the potential for bias among employees/professionals?
- a. Yes (please explain how/ through what programs or measures)
 - b. Yes, but inadequately (please elaborate and include your suggestions for improvement)
 - c. No; why do you think the system does not?
9. Research indicates that many African American male offenders with emotional/behavioral health concerns perceive the justice system as biased against them; and as a result may be less motivated to alter their behavior after receiving consequences. Does the juvenile justice system address youth's perceptions of the system?

- a. Yes (please explain how/ through what programs or measures)
- b. Yes, but inadequately (please elaborate and include your suggestions for improvement)
- c. No; why do you think the system does not?

10. Research indicates that youth emulate the negative behaviors that they observe in their communities. Does the juvenile justice system address the violent, unsafe and economically disadvantaged neighborhoods that many offenders live in?

- a. Yes (please explain how/ through what programs or measures)
- b. Yes, but inadequately (please elaborate and include your suggestions for improvement)
- c. No; why do you think the system does not?

11. Research indicates a correlation between involvement in the child protection system and juvenile offenders who have high rates of recidivism. Does the juvenile justice system address abuse & negligence in youth's families?

- a. Yes (please explain how/ through what programs or measures)
- b. Yes, but inadequately (please elaborate and include your suggestions for improvement)
- c. No; why do you think the system does not?

12. Research indicates that children often emulate the negative life choices of their parents. Does the juvenile justice system address characteristics of Parents (such as young/inexperience, lack of education, criminal history, and mental health/chemical dependency concerns)?

- a. Yes (please explain how/ through what programs or measures)

- b. Yes, but inadequately (please elaborate and include your suggestions for improvement)
- c. No; why do you think the system does not?

13. Research suggests that a lack of consistent and appropriate mental health treatment contributes to high recidivism rates. Does the juvenile justice system address youth's unmet mental health needs?

- a. Yes (please explain how/ through what programs or measures)
- b. Yes, but inadequately (please elaborate and include your suggestions for improvement)
- c. No; why do you think the system does not?

14. Research indicates that youth who receive special education services are at an increased risk for involvement in the juvenile justice system. This has been attributed to disengagement from school and resulting poor academic performance. Does the juvenile justice system address youth's unmet educational needs (including disengagement, lags in academic achievement, and the inadequacy of special education programs)?

- a. Yes (please explain how/ through what programs or measures)
- b. Yes, but inadequately (please elaborate and include your suggestions for improvement)
- c. No; why do you think the system does not?

Independent Perceptions

15. Are there other factors that you feel contribute to the high recidivism rate of this population? (list)

16. What barriers do you feel have prevented the system from adapting to address these factors more effectively?