

Juvenile Court-Controlled Reentry: Three Practice Models

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This bulletin examines three jurisdictions in which local juvenile courts and their probation departments directly oversee the return of juveniles from residential placements—Allegheny County (Pittsburgh), Pennsylvania; Marion County (Indianapolis), Indiana; and rural West Virginia counties participating in the state's Division of Juvenile Services Reentry Court Program. In the process, it explores some of the potential advantages of court-controlled reentry over traditional practice models, while shedding light on the practical challenges that must be overcome by juvenile courts seeking greater involvement in the juvenile reentry effort.

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Each year, close to 100,000 juvenile offenders return to their home communities following periods of incarceration in residential institutions.¹ Not enough is known about this large—and apparently growing²—“juvenile reentry” population. But it is made up primarily of males in the latter part of their teens.³ They suffer disproportionately from learning disabilities and deficits, mental illness, alcohol and drug dependency, and other problems that would seriously impair their life chances even without their criminal backgrounds. They are often unwelcome at their old schools, and have little to recommend them to prospective employers. In any case, they have typically been away for as long as eight months—an age in the life of a teenager—and can hardly be expected to resume their lives without considerable help and guidance. But in the fragile homes and impoverished communities to which most of them are returning, there may be

little help or guidance available. (See sidebar on page 2, “Who’s Coming Home?”)

It is fair to say that, whatever it is these reentering juveniles need to succeed and become law-abiding adults, they’re not getting it. Post-release recidivism and other measures of juvenile reentry failure are unacceptably high. One analysis of the records of juveniles released from California Youth Authority institutions found that 91% had been re-arrested or had had their parole revoked within three years.⁴ A similar look at five years’ worth of juvenile recidivism data in Delaware revealed that, within one year of release from secure facilities, 44% had been re-arrested for *felonies*.⁵ According to another study that tracked youths leaving Oregon institutions, as of one year after release only 31% were productively engaged in work or school.⁶

Efforts to improve the system’s overall response to the needs of juveniles leaving residential placement have taken a number of forms. Proponents of change have advocated earlier and more comprehensive planning for reentry, better communication between institutional treatment staff and parole authorities, better coordination of services following release.⁷ But a more novel, perhaps more far-reaching proposal calls for the juvenile court to assume control of the reentry process—taking over what is in most places a state executive function. It is argued that local judges and their probation staffs are in a better position to supervise, monitor, support, and hold juveniles accountable in the community than centralized authorities, and that carrot-and-stick techniques

Who's Coming Home?

Surprisingly little is known for certain about the young people who return home from institutions for juvenile offenders each year—starting with their exact numbers. Currently, the best estimates are based on the Census of Juveniles in Residential Placement (CJRP), which as its name suggests is a count, conducted by the U.S. Bureau of the Census every two years, of the juvenile population held in residential facilities on the census date. While the CJRP counts the “stock population” (those in custody) not the “flow population” (those leaving custody), it is possible to make valid inferences about the flow on the basis of CJRP data, supplemented with other sources of information on juveniles held in adult jails and prisons. Estimates based on data for 1999 suggest that about 100,000 juveniles were released from custody facilities during that year.

The juvenile reentry population probably rose substantially throughout the 1990s. Comparisons of 1997 and 1999 CJRP data with similar information from a predecessor survey conducted in 1991, 1993, and 1995 indicate that the population of committed youth in juvenile facilities grew 42% from the beginning to the end of the decade. Assuming that lengths of stay for committed juveniles did not change greatly during that period, it can be inferred that juvenile reentry volume increased by a similar amount.

A variety of sources contribute to our information about the needs and characteristics of these youth. The most comprehensive is the Survey of Youth in Custody (SYC) conducted by the Bureau of Justice Statistics in 1987. (Results from a more current large-scale interview effort—the Survey of Youth in Residential Placement—are not yet available.) Because the SYC sampling strategy focused on youth in state training schools, rather than those in local or private facilities, its results may not be entirely representative of the commitment population as a whole. Nevertheless, they are eye-opening, and certainly indicative of the problems and challenges facing the juvenile reentry population at the more serious end of the scale. Other, more recent research sheds light on particular issues involving committed youth, such as the state of their education and their overall mental and behavioral health.

Interview data on the family backgrounds of juveniles in custody suggest that single- or no-parent homes are very much the rule rather than the exception. Only 30% of SYC interviewees reported living with both parents while growing up, compared with 74% of the overall juvenile population at the time. More startlingly, more than half had at least one family member who had served time in jail or prison, and nearly one in five had two or more such family members.

Whatever the nature of their homes, these juveniles spend huge chunks of their youths cut off from them. Most SYC youth reported having been in correctional facilities before—20% were working on *at least their fourth commitment*. On average, at the time of the interviews, they had spent a total of six months in their current placement, and ten months in previous ones. Given their average age at the time of the survey (15.7 years), that works out to 8.5% of their lives.

Given, if nothing else, the disruptions associated with placement histories like these, it is not surprising that committed youth lag well behind their peers educationally. Most SYC youth ages 15-17 had not completed the 8th grade. Nearly a quarter of those 18 or over had never even entered high school. Separate studies suggest that incarcerated juveniles are up to five times more likely to suffer from learning disabilities than the general population, that educational programs designed to meet their needs in institutions are lacking or inadequate, and that once released they are much more likely than not to abandon or fail at formal schooling.

Drug and alcohol abuse and dependency are also very common among incarcerated youth. Most of those responding to the SYC reported a history of regular drinking, and nearly two-thirds admitted to using other drugs regularly. Almost half were under the influence of either alcohol or drugs at the time of the offense that resulted in their commitment.

Finally, there is abundant evidence that committed youths suffer from mental illness at far higher rates than the general population. Although precise rates for specific disorders have proven hard to pin down, numerous studies based on structured diagnostic interviews of juveniles in correctional facilities have estimated the prevalence of mental disorders in this population at above 50%. In one study involving interviews with juveniles at 95 institutions across the country, 57% reported having previously received mental health treatment.

Sources: Snyder, H. (January 2004). “An Empirical Portrait of the Youth Reentry Population.” *Youth Violence and Juvenile Justice* 2 (1). Sickmund, M. (2004). *Juveniles in Corrections* [National Report Series Bulletin]. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. Abt Associates, Inc. (1994). *Conditions of Confinement: Juvenile Detention and Corrections Facilities*. Washington, DC: U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention.

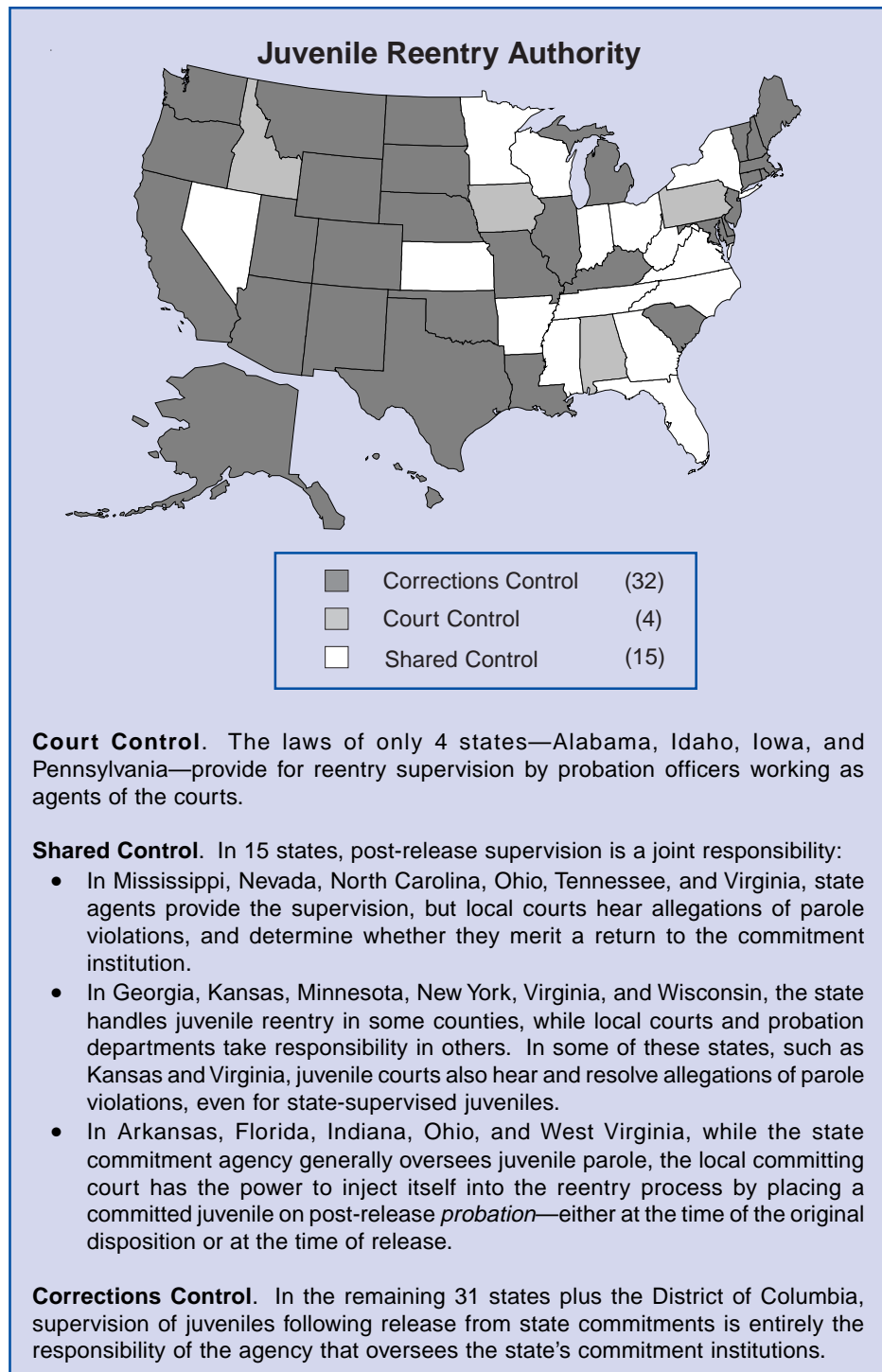
already developed by the so-called “drug courts” can be readily adapted to this new arena.⁸

This bulletin focuses on three jurisdictions in which local juvenile courts and probation departments are taking the lead in the effort to ensure the successful return of juveniles from residential placements. One provides aftercare for returning juveniles primarily through court-run structured day treatment programs. The other two have established experimental “reentry courts” that consciously apply the strategies and techniques of drug courts to a special reentry docket. All are capable of serving as useful real-world models for juvenile courts seeking greater involvement in the juvenile reentry effort.

Authority Over Juvenile Reentry: Why Courts?

Under the laws of most states, the supervision of juveniles following their release from state commitments is the responsibility of whatever agency oversees juvenile corrections. (See sidebar, “Juvenile Reentry Authority.”) Typically, a juvenile who returns home from an institution is subject to a period of state-administered parole-style supervision, but has no further contact with the local court that ordered the original commitment. Not only does the state agency monitor the juvenile’s compliance with parole conditions, it also determines when violations have occurred, and whether parole should be revoked as a result.

This is not invariably the case, however. Juvenile courts do play a role—sometimes a leading role—in a number of states’ reentry schemes. In a few places, there is



Court Control. The laws of only 4 states—Alabama, Idaho, Iowa, and Pennsylvania—provide for reentry supervision by probation officers working as agents of the courts.

Shared Control. In 15 states, post-release supervision is a joint responsibility:

- In Mississippi, Nevada, North Carolina, Ohio, Tennessee, and Virginia, state agents provide the supervision, but local courts hear allegations of parole violations, and determine whether they merit a return to the commitment institution.
- In Georgia, Kansas, Minnesota, New York, Virginia, and Wisconsin, the state handles juvenile reentry in some counties, while local courts and probation departments take responsibility in others. In some of these states, such as Kansas and Virginia, juvenile courts also hear and resolve allegations of parole violations, even for state-supervised juveniles.
- In Arkansas, Florida, Indiana, Ohio, and West Virginia, while the state commitment agency generally oversees juvenile parole, the local committing court has the power to inject itself into the reentry process by placing a committed juvenile on post-release *probation*—either at the time of the original disposition or at the time of release.

Corrections Control. In the remaining 31 states plus the District of Columbia, supervision of juveniles following release from state commitments is entirely the responsibility of the agency that oversees the state’s commitment institutions.

nothing like a state juvenile parole authority, and supervision of juveniles following release from state institutions is always a local matter, overseen by probation officers working as agents of the courts.⁹ More often, responsibility for post-release supervision is

shared in some way between state agencies and local courts.¹⁰ And courts sometimes have significant authority and involvement during earlier phases of the process that may be critical to the success or failure of juvenile reentry—such as the power to specify the initial

placement,¹¹ the power to review and modify the terms of the commitment,¹² and the power to dictate the timing or conditions of release.¹³

In whatever way state laws allocate authority over juvenile reentry, there are good reasons for believing that more judicial involvement at the post-release stage could yield better results.

First, there is the simple matter of location. Often, a juvenile correctional authority that provides parole supervision for the whole state is simply being asked to cover too much ground. The most obvious advantage a local court enjoys over a centralized parole agency is that it is on the spot already.

In terms of case-specific knowledge, courts may enjoy an advantage as well. In the vast majority of juvenile cases involving commitment—83%, according to one estimate¹⁴—the delinquency adjudication that resulted in the commitment was not the juvenile's first. On the contrary, placement often occurs well into the juvenile's "court career"—which means that local judges and probation officers are likely to be very familiar with the problems, strengths, weaknesses, and needs of the committed juvenile and his or her family.

Enforcing compliance with conditions of parole is among the main tasks of reentry supervision, and here the sanctioning flexibility of the juvenile court is another clear plus. A state agency may have nothing short of parole revocation with which to respond to inevitable infractions on the part of juvenile parolees. The court, on the other hand, is likely to have at its disposal a range of more limited sanctions—community service, curfews, temporary detention, etc.—

designed expressly to hold juveniles accountable for less serious offenses or technical violations.

Finally, there is the issue of leadership. Since the ultimate task of reentry is to reconcile and reintegrate the juvenile with the community, the local court's historic position of authority in that community—its ability to enlist local leaders, businesses, schools, churches, and service providers in the reentry effort—is an irreplaceable asset, and one that has hardly yet been tapped.

Three Models of Court-Run Reentry

The three judicially led programs under review here do not in any sense represent identical approaches to the problem of reentry. But they all make use of local court authority, knowledge, and sanctioning flexibility to monitor and support juveniles returning from residential placements.

Allegheny County (Pittsburgh), Pennsylvania has what is simultaneously the most firmly established, comprehensive, and organic court-run reentry program of the three. Beginning in 1997, and partly in response to outside assessments concluding that aftercare was a critically neglected part of the local continuum of juvenile sanctions and services, Allegheny County adopted a "Comprehensive Aftercare Plan for Institutionalized Youth" requiring that all juveniles returning to the county from residential placement receive a minimum of 90 days of aftercare supervision as a matter of course. The vehicle through which this supervision would be provided, however, would be

existing day reporting programs—either neighborhood-based day treatment sites operated directly by the court, or a private day reporting program located in Pittsburgh, much used by and closely tied with the court. These "front-door" programs—conceived and primarily operated as alternatives to institutionalization—would double as "back-door" programs, providing structure, support, and supervision to juveniles exiting institutions as well.

The West Virginia Division of Juvenile Services Reentry Court Program had its origins in a three-county reentry court pilot project launched in the state's 21st Judicial District in June of 2000—arguably the nation's first juvenile reentry court. Now funded through the Office of Justice Program's Serious and Violent Offender Reentry Initiative, the program has been expanded to cover ten largely rural counties in the state's northeastern panhandle region. It is essentially a state-local partnership: the Division of Juvenile Services (DJS) provides enhanced supervision and case management to returning "high-risk" juveniles in participating counties, while local courts provide oversight in the form of monthly court hearings to review progress and enforce conditions.

The Reentry Initiative in Marion County (Indianapolis), Indiana, which is also funded by the Serious and Violent Offender Reentry Initiative, began operating in the late summer of 2003. Like the Reentry Court Program in West Virginia, it centers around a state-local reentry planning and supervision partnership, with a juvenile reentry court committing itself to frequent oversight and enforcement hearings. One big difference lies in the distinctly urban setting: the Marion County program focuses solely on juveniles returning to one

How Can Courts Acquire Reentry Oversight Authority?

In all three programs reviewed, juveniles are released from institutional care subject to juvenile court jurisdiction and juvenile probation supervision. But different means are necessary to reach this common end:

- In Allegheny County, the means are relatively simple: Pennsylvania is among the handful of states that give local courts ultimate authority over every phase of the juvenile commitment process, including the initial placement decision, ongoing commitment review, the timing and terms of release, and post-release supervision. An institutionalized juvenile who is returning to Allegheny County has never ceased to be subject to the court's continuing jurisdiction, and has had a probation officer assigned throughout placement. Accordingly, the court needs no additional authority to order the juvenile to report to an aftercare program as a condition of post-release probation.
- In Indiana, on the other hand, following an award of guardianship to the Department of Corrections, the court has no further positive responsibility for the juvenile, and retains only negative authority to oppose a proposed release (see Indiana Code §§31-30-2-2, 31-30-2-3). Thus, the establishment of a reentry court in Marion County necessitated the execution of a formal, multi-party Memorandum of Understanding, which committed the Juvenile Division of the Marion Superior Court, the Indiana Department of Corrections, and the DOC's Parole Division (among many others) to a sharing of post-release responsibilities. Moreover, the program itself was structured as a voluntary early release program: in exchange for freedom (a conditional 30-day "temporary leave" from incarceration, which if successful will merge into a longer probationary period at home), the juvenile voluntarily accepts certain conditions, including the reassertion of juvenile court/probation authority in addition to DOC Parole supervision.
- West Virginia law authorizes juvenile courts to place juveniles on post-commitment probation (see West Virginia Code §49-5-20), but in most instances they do not do so. In fact, while the state's Division of Juvenile Services has in recent years provided follow-up home visits and other aftercare services to all juveniles released from DJS facilities, the juveniles' cooperation is often purely voluntary, because of the absence of any court order compelling them. For juveniles in the Reentry Court Program, however, the court makes use of its latent power, at the time of release, to order the juvenile to complete a period of probation, subject to terms and conditions contained in the juvenile's aftercare plan. DJS workers provide them with aftercare support and services similar to (though more intensive than) those that other released juveniles get, with probation as a mechanism enforcing compliance.

of three high-crime Indianapolis neighborhoods. Another difference is the critical role given to a non-profit managed care contractor, which undertakes all case management services for the high-risk juveniles targeted by the Marion County program.

Reentry Program Elements

However they may be structured, all juvenile reentry programs have the same broad purposes: to help institutionalized young people recover and resume their lives; to connect or reconnect them to sources of help and guidance in the community; to ensure that any

rehabilitative gains they have achieved in placement are not lost when institutional services and incentive structures are withdrawn; and to do whatever is possible to counter the reemergence of destructive behavior patterns and unhealthy associations.

In order to accomplish these goals, all reentry programs must incorporate a handful of basic elements:

- *A selection strategy.* Somehow, the target population for reentry services must be defined, and some means employed to determine whether individual juveniles qualify.
- *Planning and preparation.* If the juvenile's release and reentry are to be successful, steps must be taken beforehand to ensure that everything and everybody is ready.
- *Post-release monitoring.* After release, juveniles cannot be left alone, to sink or swim.
- *Services and supports.* Likewise, reentering juveniles must have access to help when they need it.
- *An incentive structure.* Because mistakes, frustration, and passive or active resistance are inevitable in the reentry population, some system of sanctions and rewards to guide behavior must be available.
- *Post-reentry integration.* Finally, at some point reentry services and surveillance have to come

to an end. What takes over, in the way of structure and connections, at that point?

All three court-run programs under review here incorporate these elements. But their particular approaches to the problems of selection, planning, monitoring, sanctioning and so on differ, sometimes radically. In the pages that follow, individual variations on the basic program elements, observed by the author during site visits and interviews with court representatives and program participants during the Winter of 2003-2004, will be analyzed and compared.¹⁵

Target Selection

Conventional wisdom suggests that aftercare interventions should be narrowly focused on carefully chosen targets. For instance, one of the key elements of the Intensive Aftercare Program (IAP), a research and demonstration initiative that has been extensively supported by the Office of Juvenile Justice and Delinquency Prevention, is the use of risk assessment and classification to maximize the crime-reduction impact of limited aftercare resources by targeting them only at subjects at high risk to re-offend.¹⁶

Of the three programs observed here, Marion County's comes the closest to the accepted model with regard to target selection through risk assessment. Although, as of the time the program was observed, a total of only seven juveniles had actually been released into it, Marion County's work plan called for the selection of 50 juveniles per calendar year, to be chosen according to the following criteria:

- Ages 14 to 17. (Juvenile court jurisdiction in Indiana ordinarily ends at age 18, although extended jurisdiction is possible up to age 21.)
- Released from one of three participating Indianapolis-area juvenile facilities operated by the Indiana Department of Corrections (including both of the state's maximum security juvenile facilities for males and one of its two staff-secure juvenile female facilities).
- Returning to one of three impoverished Indianapolis neighborhoods participating in the federal "Weed and Seed" program.
- Received "high" or "very high" risk scores on a risk assessment instrument routinely administered by the DOC to all juveniles at its intake/diagnostic facility upon reception, then again at 90 days before release to determine the level of supervision required on release.

As Marion County's work plan acknowledged, however, even careful selection along these lines does not necessarily capture the highest-risk reentry candidates—only those that are subject to *juvenile* court jurisdiction. Like many states, Indiana law subjects large categories of serious juvenile offenders to automatic *criminal* prosecution and sentencing—including among others all 16-year-olds charged with drug dealing, gang-related crimes, gun crimes, and many violent offenses (murder, kidnapping, rape, armed robbery, robbery resulting in bodily injury, carjacking, etc.). So those targeted under the Marion County plan consist only of the highest-risk juveniles in the lower-risk group that is left after all cases subject to criminal prosecution have been filtered out.

Selection for West Virginia's Reentry Court Program likewise requires a "high" score on the Youthful Offender Level of Service Inventory (Y-LSI), a risk/needs assessment screen routinely administered by the Division of Juvenile Services to institutionalized juveniles at intake. However, largely because of resource limitations—just five facility-based "community resource coordinators" to provide reentry case management over more than 4,000 square miles of mountainous terrain—selection is further limited to those who, in the opinion of local probation officers, would be "good candidates."

At the other extreme is Allegheny County, which at first glance appears to make no risk-based distinctions at all for aftercare purposes—offering the same basic aftercare package to all juveniles returning from placement. There are minor exceptions to this rule—for example, juvenile sex offenders returning to Allegheny County after institutional placement receive intensive monitoring and supervision from a "Special Services Unit" of Allegheny County Juvenile Probation, and do not attend the structured day treatment programs that other returning juveniles do. But for the most part, all returning juveniles who are under 18 at the time of release must participate in after-school and weekend programming at a court-operated Community Intensive Supervision Program (CISP) center or, if they live outside CISP catchment areas, at a privately operated day treatment center known as The Academy.

One reason Allegheny County doesn't ration aftercare on the basis of assessed risk is that local juveniles ordered into placement are considered *for that reason alone* to be serious, "high-risk" cases.

This is related to the very heavy use the county makes of community-based alternatives to institutionalization—like CISP and The Academy—and the very scant use it makes of residential placement. In 2003, out of a total of 3,971 delinquency dispositions made by the Allegheny County Juvenile Court, only 336 (less than 9%) involved residential placement.¹⁷ (Nationally, in 1999, the most recent year for which statistics are available, about 24% of adjudicated delinquency cases resulted in out-of-home placement.)¹⁸ In a jurisdiction in which all cases resulting in placement are *by definition* serious, it may be more appropriate to focus aftercare resources on all juveniles returning from placement. Moreover, because Allegheny County chose to provide aftercare by way of the same well-established “front-door” programs that had been helping to minimize out-of-home placement, it could offer aftercare as a matter of course without any extensive new programming investments.

Transition Planning and Preparation

Another generally acknowledged essential component of good aftercare is individualized pre-release planning for the juvenile’s transition back to the community—ideally with the broad involvement of the juvenile and his or her family, institutional staff, and those who will be responsible for serving and supervising the juvenile after release.¹⁹ Here again, while all three programs reviewed feature some pre-release planning and preparation, they vary somewhat in their approaches.

For all institutionalized West Virginia juveniles, including those released into the Reentry Court Program, treatment planning occurs at Individual Treatment Plan (ITP) meetings held early on, and pre-release aftercare planning takes place at Multidisciplinary Team Meetings (MDTs) held about the time they are completing the usual six-month treatment program at the Division of Juvenile Services’ medium/minimum security Davis Center. A juvenile’s MDT is attended by institutional staff and the community resource coordinator who will be working with the juvenile in the community following release, as well as by the juvenile and the juvenile’s family. For juveniles who will be recommended for the Reentry Court Program, an MDT also involves participation by the probation officer who will be sharing responsibility for supervising the juvenile in the community. In addition, at least theoretically, the prosecuting and defense attorney in a reentry court case may also attend the juvenile’s pre-release MDT; however, because the meetings are held at the Davis Center, which may be hundreds of miles from the juvenile’s home county, attendance would involve considerable travel time.

What emerges from the MDT is an aftercare plan—also described as a “contract”— setting concrete goals and prescribing rules and conditions for the juvenile’s return to the community. The plan is later incorporated by reference into the court order under which the juvenile is released, subject to the joint supervision of a local probation officer and the community resource coordinator assigned by DJS. In one typical aftercare plan, all of the following were addressed: employment and school obligations, required

attendance at counseling sessions, drug testing, and very specific expectations regarding behavior in the home, including chores, a curfew, and limits on visitors.

Pre-release planning procedures in Marion County are similar, but even more elaborate. The Reentry Initiative’s work plan calls for the formation of a “Transition Team” during the 90 days before the facility proposes the release of a juvenile qualifying for the program, consisting of DOC facility staff, the case manager employed by the private contractor, the DOC parole agent who will have supervisory responsibility during the period immediately after release (which is technically considered a “temporary leave” from the facility, conditional upon the juvenile’s cooperation), the Marion County probation officer who will take over supervision thereafter, the juvenile and his or her family, and miscellaneous community and service provider representatives (a group that “may include the local school corporation, a mental health center, neighborhood organization, Weed and Seed representative/health provider, job placement agency,” etc.). The Transition Team is required to fashion a Reintegration Plan for the juvenile that addresses all of the following:

- Substance abuse treatment and testing
- Mental health treatment
- Physical health
- Education
- Employment or job/vocational training
- Recreation/social activities
- Child welfare services involvement
- Income supports
- Restorative justice
- Release terms
- Avoiding delinquency
- Consequences of failure

In fact, the one pre-release Transition Team meeting observed in Marion County involved, not counting observers, no fewer than eleven participants.

A notable feature of the Allegheny County approach to pre-release planning is the relatively minor involvement of CISP and The Academy. This seems to be an artifact of the way aftercare originated there—not as a program or service developed from scratch but as a new use for existing programs created with other purposes in mind. Accordingly, in Allegheny County it is district probation officers who continue to maintain contact with juveniles sent away to residential facilities, providing information, participating in treatment planning, and monitoring progress. Contact with the family and verification of the suitability of the family home are also district probation responsibilities.

CISP and The Academy—the programs that will actually provide aftercare for most of these juveniles—have almost no involvement during the placement period. In the case of The Academy, this arrangement is less puzzling than it appears, because each juvenile released into that program remains under the formal supervision of a district probation officer—who will visit and share information with The Academy throughout the post-release period. But this is not the case with CISP: each CISP center has a supervising probation officer whose caseload consists of all those attending the center. And CISP is required to be formally notified by district probation 90 days before a juvenile’s proposed release. Nevertheless, the CISP probation officer does not participate in aftercare planning with facility staff during the 90-day pre-release

period, making at most a single introductory visit to the institution, primarily to acquaint the juvenile with CISP expectations. Because CISP officers’ duties in connection with CISP centers require their presence close to home, no real “hand-off” of responsibility for a juvenile—from ordinary probation to CISP aftercare probation—occurs until release.

Post-Release Monitoring Structure

Every aftercare program must have some strategy for dealing effectively with what one experienced professional in Allegheny County called “the danger time—the first month or two.” This period, he explained, coincides with the “first experience of freedom,” when newly released juveniles are most likely to fall into old patterns, consort with negative peers, drink or use drugs, commit crimes, and otherwise misuse their unaccustomed liberty. Obviously, all three programs have multiple tools for preventing this kind of failure. But each one is distinguished by its particular reliance on one of the following:

- *Frequent early hearings.* The most striking feature of the Marion County reentry approach is its intensive deployment of judicial resources early on. The program has employed a special part-time magistrate, bailiff and court reporter to hold frequent reentry court hearings. The magistrate has no docket apart from reentry cases, and is able to hold evening and weekend hearings if necessary to accommodate the juvenile and his or her family. The hearing cycle begins on the afternoon of

release, with an initial hearing to review and reinforce the reintegration plan, to clarify what is expected of the juvenile and lay out sanctions for noncompliance, to speak directly to the juvenile about the meaning and importance of the coming transition, to set immediate, practical goals and assign responsibility for achieving them, and to schedule a follow-up hearing—generally just one week later. At subsequent hearings the parties review progress toward goals, explore obstacles, and make necessary changes to the reintegration plan. Over time, hearings become less frequent. But for as long as they are held, they tend to shine an intense light on reentering juveniles, discourage backsliding, keep the parties on task, and place the whole weight of the court’s authority behind the reentry effort.

- *Face-to-face contacts.* Although the West Virginia reentry court also holds special hearings on a monthly basis for the first three months after release—with the same basic aims as reentry court hearings in Marion County—a more distinctive feature of the program is its effort to maintain frequent face-to-face contacts with juveniles who have been released to the community. Given the available resources and the ground that must be covered, this is far from easy. As noted above, Division of Juvenile Services community resource coordinators must often drive hundreds of miles to conduct home visits. For that reason, regular DJS aftercare entails a total of just three post-release home visits, one per month, followed by telephone contacts

at six, nine, and 12 months. In the Reentry Court Program, however, community resource coordinators carrying smaller caseloads are able to visit released juveniles in their homes at least twice that often. In the one post-release case closely observed, the coordinator—who had a caseload of 5 juveniles, 4 of whom were still institutionalized—had made 5 face-to-face contacts with the released juvenile in the previous 3 weeks, although in each instance this entailed a round-trip drive of about 80 miles over mountain roads.

- *Day treatment.* In Allegheny County, juveniles leaving the accustomed structure of a residential facility return home to find, in effect, more of the same. Two of the most basic features of institutional life—adult-supervised daily routines and a program of artificial incentives for good behavior—are not so much discontinued as replaced. Apart from attendance at school or in some cases work, all of a returning juvenile’s free time outside of the home is taken up with CISP or Academy activities, with both programs operating on weekends as well as weekdays, and from shortly after school dismissal until late in the evening, with transportation home provided. Many program activities, such as guided group interactions and drug and alcohol counseling sessions, echo and reinforce lessons learned in residential placements as well. Both programs have institutional-style incentive and sanctioning systems to encourage pro-social behavior. In fact, discharge from aftercare supervision in the

CISP program does not occur after a stated period of time, but only once the juvenile has successfully passed through a “level system,” in which progress is rewarded with progressively increasing freedom. In short, programs designed as community-based *alternatives to institutionalization*—precisely because they resemble institutions in critical ways—provide a kind of step-down or half-way stage between institutional restraint and post-institutional freedom.

Services and Supports

All three programs observed take steps to see that reentering juveniles have access to the treatment and other forms of help they need to succeed and be productive. Both reentry court programs use a case management model, in which juveniles whose institutional assessments indicate a need for services are linked with service providers in their communities. For instance, in the one West Virginia reentry court case closely observed, the community resource coordinator had in the previous month (1) arranged an appointment for an initial evaluation for the returning juvenile with a substance abuse counseling office near his home, and provided him with a schedule of Narcotics Anonymous meetings in his area; (2) driven the juvenile to a local employment center to look for a job, and thereafter followed up repeatedly with a prospective employer about a possible entry-level food processing plant position; (3) taken the juvenile to a local junior college campus to meet with counselors and help with enrollment, housing, and financial aid arrangements.

In Allegheny County, a number of services and supports are provided directly rather than by referral, particularly in the CISP program. Among the most critical of these is educational support. Each CISP center employs both a part-time professional tutor and a “School/Aftercare Monitor.” Students in the CISP program are held strictly accountable for school attendance and behavior; they are required to get teachers’ signatures on daily attendance and behavior logs and to bring these logs to the center after school. They are also required to bring in their homework, and to work during a structured homework period for at least an hour every day, with help available from the visiting tutor several days a week.

The School/Aftercare Monitor provides liaison to the various area schools with students reporting to the CISP center, performing such vital tasks as monitoring student progress, conferring with teachers and administrators when problems arise, offering schools the support of the CISP program in holding students accountable for their conduct, but also advocating for those students whenever possible. This can mean the difference between school success and school failure for many of these juveniles, who besides being marginal students are often stigmatized on account of their prior institutionalization.

Sanctions and Rewards

A system of graduated sanctions and rewards, flexible enough to suit a range of contingencies, is among the most crucial ingredients in a successful reentry program.²⁰ Violations are to be expected with this population. Resistance—especially the passive kind—is common. As was noted at the

outset, one intriguing advantage of court-controlled reentry over traditional approaches is that courts are likely to have a broader and more flexible array of tools with which to motivate juveniles—including modest, temporary sanctions that are specifically designed to teach lessons and send messages. A centralized correctional agency supervising a released juvenile is often forced to choose, in effect, between ignoring technical violations and overreacting to them. Whereas a court may have a whole spectrum of graded punishments and rewards available for just this purpose.

In Marion County, for example, the array of sanctions available to the reentry court magistrate for use in case of juvenile violations—after the initial 30-day period of “temporary leave” from the Department of Corrections elapses and supervisory responsibility passes to the probation department—include all of the following:

- Additional supervision
- Home detention
- More community service
- Additional counseling or services
- More frequent hearings
- Detention

These are all in addition to the ultimate sanction—revocation and return to the Department of Corrections. And the list is probably typical of what any juvenile court, particularly an urban one, would have at its disposal.

In Allegheny County’s CISP program, the use of a progressive level system—under which progress through the program does not depend upon the lapse of time but on the juvenile’s demonstrated mastery of a series of tasks—makes possible an even more subtle and

responsive set of sanctions. Each CISP client has a Daily Assessment sheet on which “pluses” and “zeroes” reflect the quality of the client’s participation in various routine activities, both in school and at the CISP center. A juvenile who receives a certain number of zeroes in a given week is “frozen” within the level system, and must in essence repeat the week. As levels get higher, fewer zeroes are tolerated. It is possible even to fall back to previous levels. Since there is ultimately no exit from the program except “up and out” through the level system, and since in the meantime all privileges (increasing freedom, weekends off, participation in sporting and other events, permission to work for pay) are tied to progress through the level system, pluses are naturally prized by CISP clients, and zeroes avoided.

One clear benefit of this approach is that it enables CISP staff to reward compliant behavior and punish misconduct routinely and on the spot, without any confusion, fuss or delay. Moreover, since “freezing” occurs only after a number of incidents reflecting a pattern of misbehavior or lackluster effort, each zero is in effect a kind of cost-free mini-sanction—that is, one that is *felt* as a sanction without actually using up tangible resources, such as detention bed space or additional staff time. The system functions as a token economy, in other words, with a symbolic currency of pluses and minuses, are well aware of their own and their peers’ positions on the hierarchy of levels, and generally accept the fairness and coherence of the system and its incentives.

Integration With the Community

Ultimately, the successful reintegration of a juvenile returning from an institution cannot be achieved by a reentry program alone, no matter how well-designed. True reintegration requires that the juvenile be restored to the surrounding community—given a place in it, reconnected with its social network, and acknowledged as one of its own. The process cannot be forced, but it can be facilitated. The two reentry court programs observed are seeking to do this primarily through informal partnerships with community-based organizations. For instance, the Marion County reentry court model focuses on juveniles returning to Weed and Seed neighborhoods, partly in order to take advantage of crime prevention/revitalization partnerships with community agencies already established under that program. In one Marion County case observed, a reentry program case manager referred a recently released juvenile for mentoring and other services to an established neighborhood settlement house which also housed the neighborhood Weed and Seed office. In another case, the transition team that met at a DOC facility to plan for a resident’s pending release included a deacon of the church to which the girl’s family belonged.

But building productive partnerships with communities takes time. The program that is farthest along in this respect is Allegheny County’s CISP, which over the years has embedded itself in a variety of ways into the social fabric of the surrounding community. Although neighborhood-located CISP centers met with opposition when they

were first proposed—particularly from business and property owners who feared the consequences of concentrating so many young offenders in one spot—the program weathered those controversies. And over time, CISP centers have proved to be excellent neighbors. Not only have fears of crime and disorder not been realized, but the decentralization of CISP centers has created numerous opportunities to dispel suspicions and stereotypes that tend to act as barriers to community acceptance of delinquent youth. In one notable instance, a CISP center that had met with the fiercest initial opposition from local residents collaborated with a neighborhood community development group on an internship program, in which selected CISP graduates were given the opportunity to work on local housing rehabilitation projects funded by the group.

CISP youth work hard for their neighborhoods. All CISP clients are required to complete 100 hours of community service work before they can be positively discharged from the program. Collectively, in 2002, that amounted to about 18,400 hours of community service—not to mention an incalculable amount of good will, concentrated locally, where it was likely to do the most good, among elderly residents, business owners, church congregations and others who were direct beneficiaries of CISP clients' work, and who are themselves in the best positions to promote their futures.

But perhaps the most important way in which CISP serves to reintegrate delinquent juveniles is by bringing them into sustained contact with locally recruited staff members who are in effect representatives of and conduits to the law-abiding community. Each center has at least nine of these

“community monitors.” They are the backbone of the program, overseeing all CISP activities, participating in all groups, and providing all transportation. For the most part, like CISP clients themselves, they tend to be African-American males—but older, more mature, with more stable home lives, and at least some post-secondary education. When a juvenile begins the CISP program, he is assigned one community monitor to serve as his “primary”—a kind of combination counselor, mentor, critic, and watchdog, who shares the same background, grew up on the same streets, speaks the same language, but models an entirely different and more promising future.

The Future of Court-Controlled Reentry

It is too early to say what kinds of results will emerge from these experiments in court-run reentry. But the results of traditional reentry approaches have been far from satisfactory. And given the natural advantages of juvenile courts and probation departments in this area—that is, their background knowledge and familiarity with local conditions, their enhanced capacity to monitor and respond to juveniles' everyday behavior, and their historic position of leadership in their communities—it is obvious that they are capable of playing a much more useful and active role in juvenile reintegration efforts.

ENDNOTES

- ¹ Snyder, H. (January 2004). “An Empirical Portrait of the Youth Reentry Population.” *Youth Violence and Juvenile Justice* 2 (1).
- ² Sickmund, M. (2004). *Juveniles in Corrections* [National Report Series Bulletin]. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

³ Snyder, *supra*, n. 1.

⁴ Byrnes, M., Macallair, D., and Shorter, A. (August 2002). *Aftercare as Afterthought: Reentry and the California Youth Authority*. San Francisco, CA: Center on Juvenile and Criminal Justice.

⁵ Rodriguez-Labarca, J., O'Connell, J. (2003). *Delaware Juvenile Recidivism: 1994-2003 Juvenile Level III, IV and V Recidivism Study*. Dover, DE: State of Delaware, Office of the Budget, Statistical Analysis Center.

⁶ Bullis, M., Yobanoff, P., Mueller, G. and Havel, E. (2002). “Life on the ‘Outs’—Examination of the Facility-to-Community Transition of Incarcerated Youth.” *Exceptional Children* 69 (1).

⁷ Altschuler, D., and Armstrong, T. (1994). *Intensive Aftercare for High-Risk Juveniles: A Community Care Model*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention

⁸ National Council of Juvenile and Family Court Judges. 2005. *Reconnecting: The Role of the Juvenile Court in Reentry*. Reno, NV: National Council of Juvenile and Family Court Judges.

⁹ See *e.g.*, Alabama Code §12-15-75.

¹⁰ See *e.g.*, Mississippi Code §§43-21-605, 43-21-613 (following release, committing that parole has power to hear petitions alleging that parole has been violated and if so to impose a new disposition or recommit to the state training school); Nevada Revised Statutes §210.250 (following release, committing court holds hearings on petitions alleging parole violations, may suspend, modify or revoke parole); North Carolina General Statutes §§7B-1601, 7B-2514, 7B-2516 (juveniles on post-release supervision are supervised by state-paid juvenile court counselors subject to some local control; court retains jurisdiction through commitment and post-release, which is terminated only by order of the court; court may hold hearings to “review the progress of any juvenile on post-release supervision at any time,” on its own motion or that of the juvenile or the juvenile court counselor; court hears allegations of violations and has power to make any disposition in response to violation, including revocation and indefinite commitment).

¹¹ See *e.g.*, Pennsylvania Consolidated Statutes §§ 6352, 6653.

¹² See *e.g.*, Oklahoma Statutes §§7303-5, 7303-5.4, 7303-6.1 (court retains power to revoke or modify dispositions, must review them every six months, and hold annual disposition review hearings, at which it may order additional services).

¹³ See *e.g.*, General Statutes of Connecticut §46b-141 (commitments may be reopened and

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terminated on juvenile's motion up to twice a year, or at any time on the court's own motion, following notice to the state commitment authority).

¹⁴ Snyder, *supra*, n. 1.

¹⁵ Observations contained in this bulletin were made during site visits conducted by the author in November and December, 2003, and January, 2004.

¹⁶ Altschuler and Armstrong, *supra*, n. 7.

¹⁷ Pennsylvania Juvenile Court Judges' Commission. (2004). *Pennsylvania Juvenile Court Dispositions 2003*. Shippensburg, PA: Juvenile Court Judges' Commission.

¹⁸ Puzzanchera, C., Stahl, A., Finnegan, T., Tierney, N., and Snyder, H. (July 2003). *Juvenile Court Statistics 1999*. Pittsburgh, PA: National Center for Juvenile Justice.

¹⁹ Altschuler, D., and Armstrong, T., *supra* n. 7.

²⁰ *Ibid.*

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