



BUILDING LADDERS OF OPPORTUNITY FOR YOUNG PEOPLE IN THE GREAT LAKES STATES, BRIEF 4

# Strategies for Reducing Criminal and Juvenile Justice Involvement

*Jesse Jannetta and Cameron Okeke*

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**The future prosperity of the Great Lakes states depends in large part on the productivity and well-being of young people. Crime, victimization, and justice system responses greatly affect the life prospects of the most vulnerable Great Lakes youth, restricting their access to ladders of opportunity. In too many Great Lakes cities, racial and economic segregation separate vulnerable and low-income people from opportunity and expose them to high levels of toxic stress and crime. Concentrated poverty and disparities in health, employment, and education create conditions that contribute to both victimization and offending. Law enforcement and other justice interventions are likewise concentrated in areas of high crime and general disadvantage. This cycle leads to high levels of involvement with the criminal justice system among young people, which can have lasting negative consequences for their development. Moreover, estimates using the Social Genome Model suggest that simply acquiring a criminal record as a teenager depresses lifetime family incomes (Blumenthal, Martin, and Poethig 2016). Structural inequities can lead to justice involvement and justice involvement can lead to or exacerbate these inequities.**

This brief begins by drawing from research evidence to describe how crime and justice involvement affect youth development and opportunity. Then, it discusses the specific crime and justice intervention context in the Great Lakes states. The brief concludes by presenting an array of promising and proven policies and practices that have the potential to deliver safety while reducing juvenile justice and criminal justice involvement and their negative impact on youth.

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## BOX 1

### About This Policy Brief Series

This brief is part of a series recommending policies that will build ladders of opportunity and economic mobility for young people in the six state Great Lakes region—Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

The series of policy briefs follows a [framing paper](#) that detailed the challenges and opportunities facing the Great Lakes region (Pendall et al. 2017). During the first decade of the 2000s, manufacturing employment and incomes fell substantially, government revenues declined, and young people moved away from the region. Manufacturing has begun to rebound, but communities throughout the region are still dealing with the direct and ripple effects of this unprecedented blow to their economic base. Despite these severe challenges, ample evidence suggests the Great Lakes region has significant assets and a strong foundation that can sustain future economic and population growth and higher levels of prosperity. Ensuring the future productivity, stability, and prosperity of the region, though, requires policies and investments that bolster the people currently living in the Great Lakes states, especially young people.

The series includes five policy briefs with strategies for the following:

- supporting access to high-quality child development and preschool programs (this brief)
- eliminating gaps in K–12 education so all can read by third grade and graduate from high school ready for college or career ([Gallagher and Chingos 2017](#))
- promoting successful transitions to adulthood, higher education, and the workforce ([Spaulding 2017](#))
- reducing criminal and juvenile justice involvement for young people ([Jannetta and Okeke 2017](#))
- supporting basic needs to promote opportunity and economic mobility for young people ([Hahn 2017](#))

The in-depth policy analyses and recommendations in these briefs shed light on what needs to be done and what decisionmakers can do to invest in young people and ensure broad-based prosperity and a high quality of life in the Great Lakes region for coming generations.

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## Crime, Justice System Involvement, and Youth Opportunity

Criminal offending peaks in the teenage years and declines in the early 20s (Farrington 1986; Piquero, Farrington, and Blumstein 2007), so youth will inevitably be the focus of crime control. Emerging evidence on adolescent development and life trajectories, however, underscores the importance of rethinking justice interventions on youth. Neuroscience research finds that adolescent brain development continues into the mid-20s, improving areas such as impulse control that are related to criminal offending. Adolescent development and the associated ability to change continues well across the dividing line between the juvenile and adult justice systems, rendering the distinction between juveniles (<18) and young adults (18–24) somewhat arbitrary.<sup>1</sup> As this peak and decline pattern implies,

most young people who offend as teens cease their criminal involvement as they become adults (Scott and Steinberg 2008; Steinberg 2014). Effective policy to facilitate this transition and lay the groundwork for youth success will involve reforming both the juvenile and the adult justice systems. Thus, this brief discusses both systems.

Youth involved in the juvenile justice system often have trouble transitioning into adulthood. They need to develop a sense of self-direction, social competence, and autonomy, but the juvenile justice system exposes justice-involved youth to negative influences, arresting their development (Chung et al. 2005). Criminal justice involvement not only inhibits youth development but also interferes with desistance, the process by which youth involved in criminal activity stop offending. There is mounting evidence that involvement in the justice system increases the likelihood of further involvement (Lieberman, Kirk, and Kim 2014). This can happen for several reasons, including effects of labeling youth as “criminals;” interruption of connections to school, family, and work; and surveillance through probation supervision uncovering and responding to misconduct that would not have been uncovered otherwise.

Youth exposure to crime also affects their development and opportunities in a variety of ways. Crime victimization is associated with negative impacts, such as impaired occupational functioning and higher unemployment (Hanson et al. 2010). The stress and exposure to trauma resulting from living in a community with high levels of crime and violence can undermine healthy childhood development and adult decisionmaking (Sharkey 2010; Shonkoff et al. 2012). Further, high levels of crime can impede neighborhood economic development (Irvin-Erikson et al. 2017), limiting job opportunities for youth and their families living there. Though public discourse on crime often discusses victims and perpetrators as entirely separate groups, the same youth are often at greatest risk of being both victimized and involved in criminal behavior. There is a significant overlap, for example, between those at risk of committing and being victims of gun violence (Papachristos and Wildeman 2014); and access to firearms escalates the lethality of violence (Bieler et al. 2016).

Structural inequities further exacerbate the problem of crime exposure. The burden of high crime levels is disproportionately placed on youth living in areas that also suffer from high levels of poverty and social disorganization, where crime is concentrated (Sampson 2012). Despite fluctuations in crime and violence over the past two decades, this pattern of crime concentration appears to remain consistent (Weisburd 2015). As a result of persistent residential segregation, this neighborhood disparity in safety is a highly racialized phenomenon, with African American youth living, on average, in neighborhoods with much higher levels of violence than other Americans (Peterson and Krivo 2010). Native youth also experience victimization at much higher rates than non-Native youth (Pavkov et al. 2010). The recently intensified focus on immigration enforcement may be increasing the vulnerability of youth in immigrant communities, as people who are undocumented, or whose family members are undocumented, may be reluctant to report crime and partner with the police out of fear that doing so will increase the risk of deportation.

There is no question that crime and victimization disproportionately affect the most vulnerable communities and young people. Unfortunately, many of the efforts the justice system makes to control

crime are overly broad or overly punitive in their application and can inadvertently increase crime or impede the life prospects of people in the most distressed neighborhoods. Mass incarceration is perhaps the most commonly cited example of a justice intervention that produces serious harms.

The negative impacts of overly punitive and broad policies are intergenerational, with children of incarcerated parents more likely to drop out of school, develop learning disabilities, have disciplinary problems in school, and suffer from a number of physical and behavioral health issues, such as asthma, high cholesterol, and depression. Incarceration is negatively associated with employment, wages, and income, with these impacts disproportionately borne by young black men (Morsy and Rothstein 2016). These burdens are disproportionately borne by children of color, with African American children 7.5 times more likely to have an incarcerated parent than white children, and Latinx children 2.3 times more likely (Glaze and Maruschak 2010).

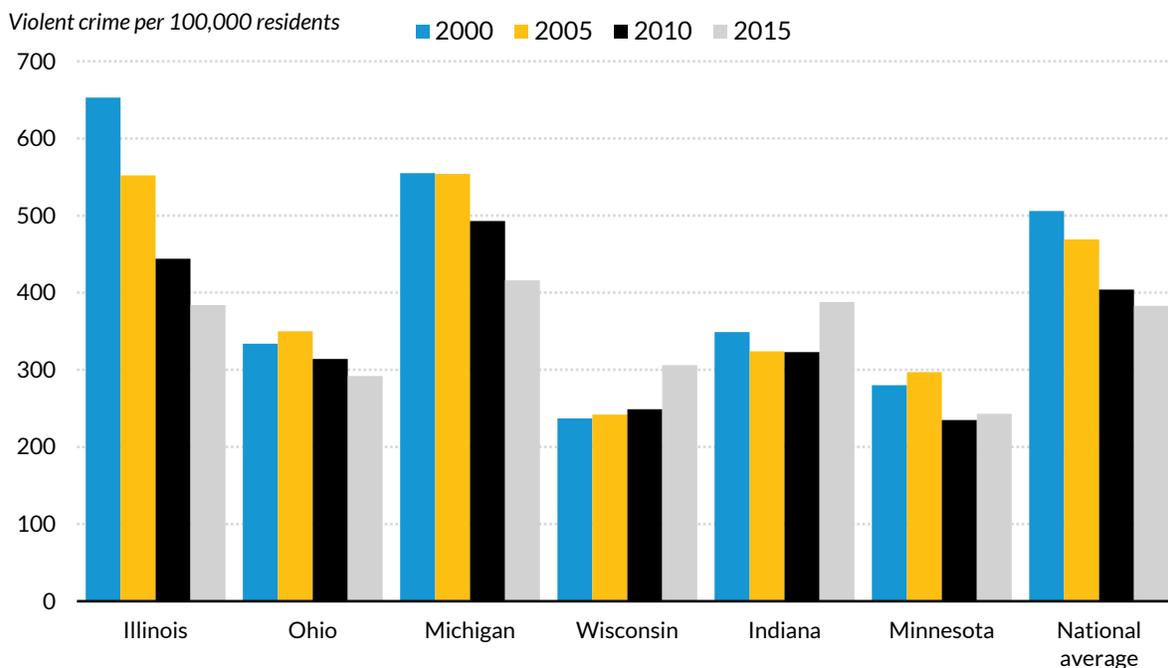
In addition to incarceration, justice practices with adverse consequences are present throughout the justice continuum and include many things that receive little attention because they are considered “low level,” such as misdemeanor convictions, probation, and justice fees and fines. Juveniles can also end up involved in the juvenile justice system because of “status offenses” that an adult could not be charged with, such as truancy or being “beyond control.” Intensive enforcement of minor offenses, popularly known as “broken windows” policing and involving tactics such as stop and frisk (La Vigne et al. 2014), can saddle youth with long criminal records of minor offenses, constitute probation violations for youth under supervision, and result in collateral consequences and financial penalties. Broken-windows efforts are generally concentrated in low-income neighborhoods of color and thereby contribute to justice system disparities.

Finally, there is an increasing recognition that a lack of legitimacy of the justice system among youth in high-crime communities, arising, in no small part, from the disparities and inadvertent harms discussed above, is a critical problem that must be addressed. Police legitimacy is the belief among people that “the police ought to be allowed to exercise their authority to maintain social order, manage conflicts, and solve problems in their communities” (Tyler 2014). Many young residents of high-crime neighborhoods do not believe this, feeling that the police do not share their values and priorities, are not trustworthy, and treat people differently based on their race or ethnicity (La Vigne, Fontaine, and Dwivedi 2017). The reasons for focusing on legitimacy are not only moral but practical: research has shown that legitimacy is an important contributor to securing greater compliance with the law and greater willingness to assist authorities in addressing crime and maintaining order (Tyler, Goff, and MacCoun 2015). Overly broad applications of enforcement and sanctions by the justice system can hamper the life prospects of young people, arrest their development, and disproportionately disadvantage low-income people and people of color, who are overrepresented across all types of justice system involvement (Hartney and Vuong 2009). In the worst instances, inappropriate justice presence can be abusive and predatory, a dynamic that triggered civic unrest in Ferguson, Baltimore, and elsewhere in recent years (Civil Rights Division 2015, 2016). Therefore, the most promising package of policies and practices will be those that support delivery of safety while minimizing the footprint of the justice system.<sup>2</sup>

# Crime and Criminal Justice Involvement in the Great Lakes States

Crime and violence rates have fallen significantly throughout the United States over the past 15 years. Most of the Great Lakes states reflect this decrease. All but Indiana and Wisconsin experienced lower violent crime rates in 2015 than they did in 2000 (figure 1). In 2015, only Michigan's violent crime rate was greater than the national average, with the rate in Illinois right at that average. However, more recent trends are cause for concern, as Great Lakes cities such as Chicago, Cleveland, Indianapolis, and Milwaukee are seeing substantial increases in homicides.<sup>3</sup> State-level crime rates tell us only so much, given the concentration of crime in cities and specific neighborhoods in cities. The violent crime rates in the largest city in each Great Lakes state (which is not necessarily the most violent city) are much higher than for the state (figure 2).

**FIGURE 1**  
**Violent Crime in Great Lakes States**  
2000-15

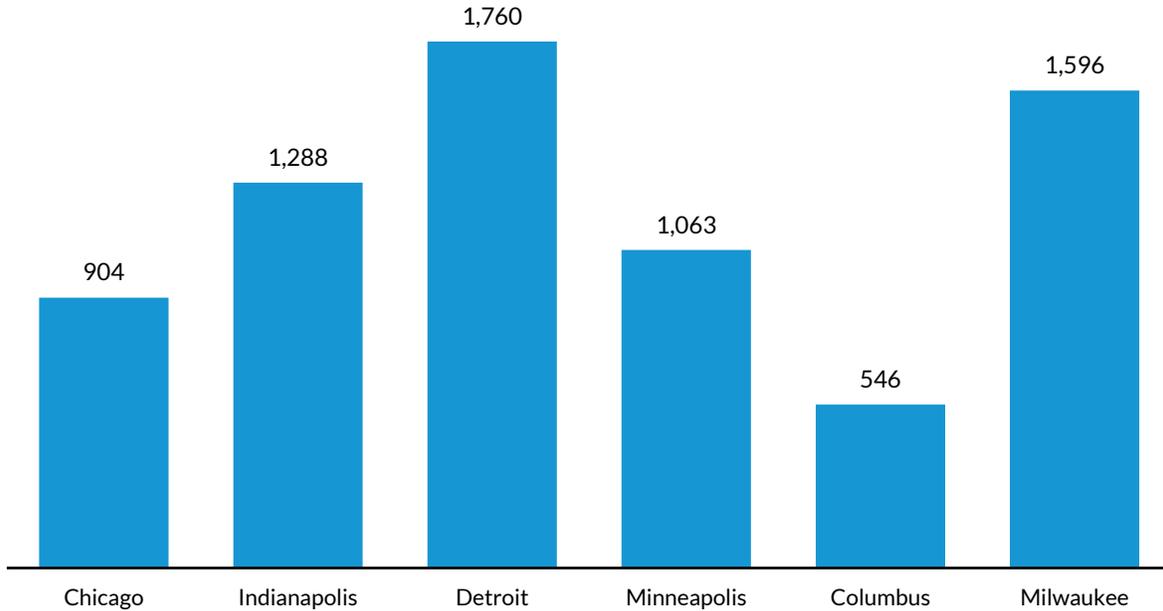


Source: FBI Uniform Crime Reporting Program.

FIGURE 2

**Violent Crime Rates in Each Great Lakes State's Largest City**

*Violent crime per 100,000 residents*

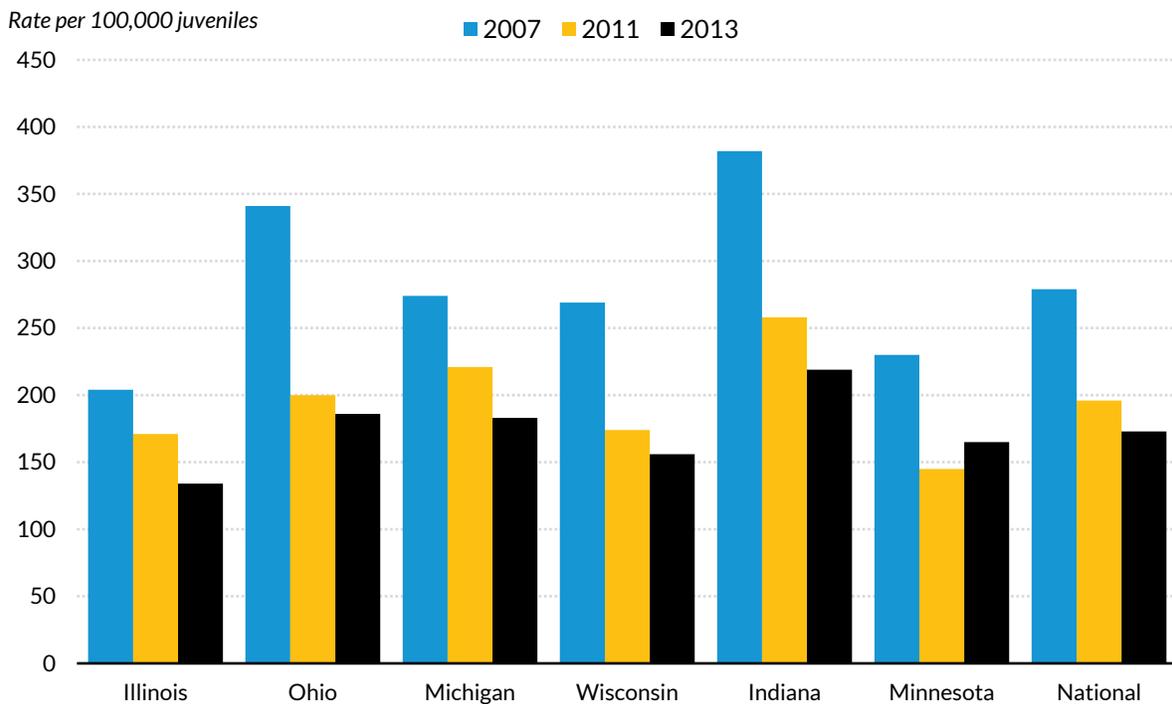


Source: FBI Uniform Crime Reporting Program

A positive trend has been the reduction in juvenile incarceration (figure 3). Mirroring nationwide trends, every Great Lakes state has seen substantial reductions in juveniles in residential placement, with Ohio and Indiana experiencing the largest reductions. However, juvenile incarceration rates in Indiana, Michigan, and Ohio were above the national average in 2013, the most recent year for which data are available. Only Minnesota had a higher rate of juvenile incarceration in 2013 than in 2011, but that rate was still lower than it was in 2007.

FIGURE 3

Juvenile in Residential Placement



Sources: Melissa Sickmund, “Juveniles in Residential Placement, 1997–2008” (Washington, DC: US Department of Justice, Office of Juvenile Justice and Delinquency Prevention, 2010); Sarah Hockenberry, “Juveniles in Residential Placement, 2011” (Washington, DC: US Department of Justice, Office of Juvenile Justice and Delinquency Prevention, 2014); Sarah Hockenberry, “Juveniles in Residential Placement, 2013” (Washington, DC: US Department of Justice, Office of Juvenile Justice and Delinquency Prevention, 2016).

The picture of adult incarceration is more mixed, with incarceration rates increasing in some places and dropping in others. Half the Great Lakes states saw their adult prison incarceration rates drop from 2010 to 2015, two saw it rise, and in Ohio it was essentially unchanged (table 1). In absolute terms, the incarceration rate for adults in the Great Lakes states (including both prison and jail) is at or below the national average of 860 per 100,000 adults (table 2). Minnesota stands out for having a low adult incarceration rate, even considering its low violent crime rate. Moreover, the majority of adults subject to correctional authority are supervised in the community by probation or parole. When total adult correctional supervision is considered, including probation and parole, Minnesota’s rate is higher than the national average, as are the rates in Indiana, Michigan, and Ohio.

TABLE 1

**Adult Prison Incarceration Rates in the Great Lakes States**

	2010	2015	% change 2010–15
Illinois	373	360	-3.5
Indiana	434	412	-5.1
Michigan	445	429	-3.6
Minnesota	185	196	+5.9
Ohio	448	449	+0.2
Wisconsin	366	377	+3.0
<b>United States</b>	<b>500</b>	<b>438</b>	<b>-12.4</b>

Source: Bureau of Justice Statistics.

TABLE 2

**Correctional Supervision Rates in the Great Lakes States**

2015

	Incarceration rate per 100,000 adults	Correctional supervision rate per 100,000 adults
Illinois	640	2,170
Indiana	860	3,280
Michigan	750	3,240
Minnesota	390	2,880
Ohio	790	3,680
Wisconsin	780	2,240
<b>United States</b>	<b>860</b>	<b>2,700</b>

Source: Bureau of Justice Statistics.

The Great Lakes states vary in terms of how extensively they bring evidence to bear on criminal justice and juvenile justice policy (table 3). A Pew-MacArthur Results First Initiative (2017) assessment of the degree to which all 50 states engage in evidence-based policymaking in areas of behavioral health, child welfare, criminal justice, and juvenile justice identified Minnesota as one of five states leading the way in this area.<sup>4</sup> Minnesota has carried out extensive efforts to assess whether state and county-run justice interventions adhere to evidence-based practices. Ohio was also singled out as a state at the next-highest tier of states in terms of evidence-based policymaking.

TABLE 3

## Evidence-Based Policymaking in Adult and Juvenile Criminal Justice

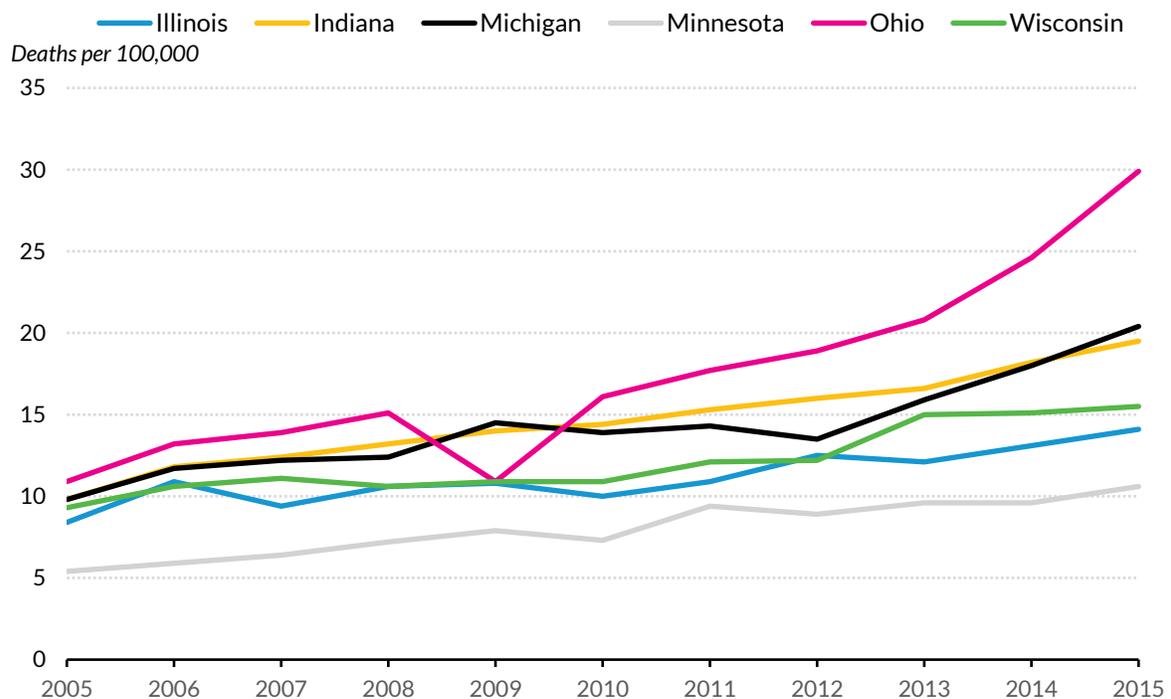
	Illinois		Indiana		Michigan		Minnesota		Ohio		Wisconsin	
	Adult	Juv.	Adult	Juv.	Adult	Juv.	Adult	Juv.	Adult	Juv.	Adult	Juv.
Define levels of evidence	○	—	—	—	—	—	●	—	—	—	○	—
Inventory existing programs	—	—	○	—	—	—	●	●	●	—	●	—
Compare program costs and benefits	—	—	—	—	—	—	●	—	—	●	●	—
Report outcomes in the budget	○	○	○	—	○	—	○	○	○	—	○	—
Target funds to evidence-based programs	○	—	○	—	○	○	○	○	○	○	○	○
Require action through state law	○	—	—	—	○	—	●	●	—	—	—	○

Source: Pew-MacArthur Results First Initiative, *How States Engage in Evidence-Based Policymaking: A National Assessment* (Philadelphia: Pew Charitable Trusts, 2017).

Notes: ● = advanced example; ○ = minimum example; — = no example.

Finally, the rise of opioid use and abuse, an emergent national public health problem, is buffeting the Great Lakes states and poses a threat to the success of young people in these states. Opioid abuse can destabilize families, make youth more likely to end up in foster care, and traumatize youth who lose parents, siblings, or peers to overdose. Every Great Lakes state has seen an increase in the number of opioid-related deaths over the past decade (figure 4).<sup>5</sup> Ohio stands out, with a 233 percent increase in opioid-related deaths from 2005 to 2015, including a 25 percent increase from 2014 to 2015 alone. Since 2005, the number of such deaths has doubled in every Great Lakes state except for Illinois and Wisconsin; but even in Illinois, the state with the lowest level of increase, there was a 59 percent rise. Opioid abuse can often result in justice involvement, and policymakers are considering a range of justice system responses, from equipping police with Naloxone to reverse overdoses to enhancing sentences for illegal opioid sales. The severity of the impact of opioid abuse on youth opportunity in the Great Lakes will be determined in part by how well policymakers strike a balance between public health and criminal justice interventions to address it.

**FIGURE 4**  
**Opioid-Related Death Rates**  
 2005-15



Source: Kaiser Family Foundation analysis of Centers for Disease Control National Center for Health Statistics data.

Note: The number deaths have been age adjusted.

# How the Great Lakes States Can Reduce Criminal Justice Involvement and Collateral Consequences

Great Lakes stakeholders can promote several policies and practices to reduce criminal justice involvement among youth and reduce the inequities that hinder youth success. A challenge of crafting good justice policy is the distribution of responsibility across different levels of government. For example, policing is largely a municipal function, prosecutors are generally elected at the county level, and the state sets sentencing law and administers the prison system. Reflecting this reality, the policy and practice recommendations set forth here require actions from policymakers at different levels of government (table 4). Some recommendations address the juvenile justice system, others young adults, and some both. Though our focus is on policies affecting youth directly, many of the approaches discussed in this section will benefit older adults as well. Such benefits to older adults are also to the advantage of young people, given the impact of parental justice involvement on youth.

TABLE 4

## Recommendations by Lead Level of Government and Age Level Addressed

	Level of Government			Age Level	
	State	County	Municipal	Juveniles	Young adults
<b>Reduce the justice system footprint</b>					
Do not overenforce low-level offenses			✓	✓	✓
Reduce the severity of sanctions for low-level offenses	✓	✓	✓	✓	✓
Build robust diversion options	✓	✓	✓	✓	✓
Reduce out-of-home placement for juveniles	✓	✓		✓	
Pursue decarceration for adults	✓	✓			✓
Reform bail	✓	✓	✓		✓
Reduce collateral consequences of having a criminal record	✓			✓	✓
Protect juveniles from lifelong collateral consequences through confidentiality and expungement	✓			✓	
Systematically review and reduce the application of justice system financial obligations	✓	✓	✓	✓	✓
<b>Develop nonjustice options to address youth needs and issues</b>					
Invest in prevention for youth at risk of justice involvement	✓	✓	✓	✓	✓
Support school discipline policies that reduce the likelihood of justice involvement		✓	✓	✓	
Ensure access to substance abuse and mental health interventions without justice involvement	✓	✓	✓	✓	✓
<b>Make responses to serious offending effective, focused, and appropriate for youth</b>					
Integrate a positive youth development framework into juvenile and adult criminal justice policies	✓			✓	✓
Focus antiviolenence efforts on the relatively small population most at risk			✓	✓	✓
Raise the age of juvenile court jurisdiction to 17	✓			✓	
Explore new options for sanctioning young adults	✓	✓			✓
Insist that risk-reduction interventions be evidence based	✓			✓	✓
<b>Build the legitimacy of the justice system</b>					
Support efforts to build the legitimacy of the justice system	✓	✓	✓	✓	✓
Measure and address racial and ethnic disparities in the justice system	✓	✓	✓	✓	✓
Support transparency through publicly available criminal justice data	✓	✓	✓	✓	✓

## Reduce the Justice System Footprint

Involvement in the justice system can have serious and lasting negative effects on youth, and parental involvement in the justice system has similarly negative effects on children. Providing opportunity to the most vulnerable youth therefore entails using justice system levers with care, deploying the minimum level of justice intervention and sanction necessary to achieve public safety goals. There are several policy and practice approaches that Great Lakes states can take to do this.

**Do not overenforce low-level offenses.** Finding ways to address public order problems, which are often very important to communities, while reducing the penalties associated with them can reduce adverse effects on youth. New York City recently sharply curtailed its use of stop and frisk without seeing a rise in crime (Cullen and Grawert, n.d.); this suggests it is possible to scale back low-level enforcement without adversely affecting public safety. Though these reforms are advancing, research efforts, such as the Misdemeanor Justice Project<sup>6</sup> (which includes Toledo, Ohio, as a study site), are working to generate new knowledge about the relatively understudied effects of low-level justice system involvement. The onus of calibrating the degree of low-level offense enforcement is primarily on municipal governments, but state policymakers should monitor the emerging research in this area and be prepared to act based on the evolving knowledge base.

**Reduce the severity of sanctions for low-level offenses.** States are exploring various approaches to reduce the severity of sanctions that can be deployed for low-level offenses. One example is the decriminalization or outright legalization of marijuana, which removes the possibility of a justice sanction. It is also possible to reduce the available severity of sanctions for entire classes of offenses, as California did with the passage of Proposition 47, which reclassified some drug and property offenses from felonies to misdemeanors and thereby reduced the possible consequences of committing these offenses, without removing consequences entirely. Proposition 47 resulted in a substantial reduction in California jail populations (Bird et al. 2016), although the question of its impact on crime is still being studied.

**Build robust precourt diversion options.** There is an array of law enforcement or prosecution-led diversion efforts intended to prevent people from deeper juvenile justice or adult justice involvement and incarceration. This can include cite and release, deferred prosecution, and diversion to behavioral health rather than justice interventions. Diversion strategies should account for different levels of youth risk factors and needs for intervention. Youth with minimal prior justice involvement and low levels of treatment or intervention need are best served by “low touch” diversion options with minimal, if any, compliance requirements. For youth with more substantial needs, such as substance abuse problems (including opioid dependency), access to effective treatment and service options will be critical to diversion success.

The commitment to and execution of diversion strategies must be done at the local level. But there is a critical state role in answering questions of “diversion to what?” Diversion of youth and young adults with substantial needs can only be successful if there is robust community capacity, such as probation and community-based substance abuse and behavioral health treatment. An example of a state level

effort to support development of alternatives is Ohio's RECLAIM (Reasoned and Equitable Community and Local Alternatives to Incarceration of Minors) funding initiative, which encourages juvenile courts to develop community-based options by tying the funding to the number of felony adjudications and youth diverted.<sup>7</sup> As an example of developing diversion capacity at the local level, Lucas County, Ohio, set up a nonsecure assessment center where police can take youth to connect them with appropriate services in areas, such as mental health, instead of booking them into detention.<sup>8</sup>

**Work to reduce out-of-home placement for juveniles.** Substantial decarceration has already been realized for juveniles: the juvenile detention rate in 2013 was less than half the rate in 1999 (Child Trends 2015). Local efforts bolstered by broad efforts such as the Juvenile Detention Alternatives Initiative (JDAI) and Models for Change (which includes Illinois as a reform state site) combined to achieve this. However, work remains in the Great Lakes states to continue to reduce lengths of residential placements for youth, as longer stays have not been shown to reduce arrest or antisocial behaviors in youth, nor is there any discernable benefit to public safety related to long institutional stays (Mulvey and Schubert 2012). And though reducing the number of juveniles incarcerated in secure residential facilities is important, ensuring that other out-of-home placements, such as nonsecure residential facilities, are not the default preferred option is likewise important.

**Pursue decarceration for adults.** Incarceration rates for adults have plateaued, and a great deal of work remains to achieve anything comparable to the juvenile decarceration accomplishments. Decarceration in the adult system would yield benefits to young adults, as well as juveniles with incarcerated parents. Grassroots organizing to do so is occurring nationwide. National efforts like the Justice Reinvestment Initiative,<sup>9</sup> which includes Michigan and Ohio as state sites, and the John D. and Catherine T. MacArthur Foundation's Safety and Justice Challenge,<sup>10</sup> which is changing the way jails are used and includes six local Great Lakes jurisdictions among its sites, are laboratories for decarceration techniques. Using tools from an expanding decarceration toolkit, state policymakers can set bold goals for reducing adult incarceration.

**Reform bail.** Most people in local jails are pretrial detainees. Pretrial detention is destabilizing, and even short periods of pretrial detention have adverse effects, including on the likelihood of future offending (Lowenkamp, VanNostrand, and Holsinger 2013). A common form of securing pretrial release from jail is to post money bond, but many people detained are indigent and can fail to secure pretrial release because they cannot come up with the money. Bail reform involves moving from money-based to risk-based pretrial detention and release decisionmaking. New Jersey and New York have undertaken recent efforts to reform bail. Washington, DC, has operated without money bonds for decades, and in the past five years, approximately 90 percent of released defendants remained arrest-free before their cases were resolved.<sup>11</sup> Cook County, Illinois, has begun more tentative steps toward bail reform, with prosecutors announcing they would no longer oppose release for individuals charged with nonviolent offenses simply because they cannot afford money bonds of \$1,000.<sup>12</sup> Bail reform and other efforts to facilitate release from pretrial detention would have a big impact on the many people who experience the negative effects of incarceration even if they have not yet been (and may not ultimately be) convicted of anything.

**Reduce collateral consequences of having a criminal record.** Though reducing the justice system footprint so that fewer people become justice involved unnecessarily is important, it is likewise necessary to mitigate the consequences of criminal justice involvement once it has already occurred. People with criminal records, especially felony convictions, are subject to a wide array of “collateral consequences,” such as being barred from certain occupations or professional licenses, losing the ability to live in public housing, losing the right to vote, and losing access to educational opportunities.<sup>13</sup> Further, policies that allow higher education administrators access to criminal records as well as policies that require DNA collection for juveniles can generate devastating long-term collateral consequences for justice-involved youth. State policymakers can conduct a systematic review of the collateral consequences resulting from a criminal record and work to remove those, such as some barriers to obtaining occupational licensing to jobs that do not serve a public safety function.

**Protect juveniles from lifelong collateral consequences through confidentiality and expungement.** Juveniles receive extra protection from collateral consequences when juvenile criminal history is kept confidential or expunged. However, the specific practices around the confidentiality of juvenile records and whether and how they are expunged varies. The Juvenile Law Center developed a scorecard on the strengths of confidentiality and expungement policies and practices in every state.<sup>14</sup> Ohio is a leading state, ranked second in the nation, with strong protections for juvenile record information and automatic (rather than juvenile-initiated) expungement. However, Michigan and Minnesota rank in the bottom 10 states, and Illinois and Wisconsin rank below the national average. In these states, policies that increase protection of juvenile records and facilitate juvenile record expungement can help mitigate the lifelong consequences of juvenile offending.

**Systematically review and reduce the application of justice system financial obligations.** Justice and juvenile justice system involvement can result in a variety of financial impositions, including court fees, supervision fees, fines, and restitution. Given that many youth involved in the justice system, and their families, live in poverty, such obligations can be burdensome and destabilizing. For those unable to meet these financial obligations immediately, fees and fines can be converted into debt that must be discharged. Thus, even minor financial obligations can considerably extend the timeline of involvement with the court; the timeline can be extended even more so with fees that are associated with the cost of supervision. The juvenile justice system may impose financial obligations on both the youth and their parents. Not paying these fees can lead to driver’s license suspension and imprisonment, which can further undermine economic well-being (e.g., ability to work). Unpaid fees can also end up as a “debt in collections” on one’s credit bureau file, which, in turn, can restrict access to credit, harm employment prospects (via the use of credit reports by potential employers), and weaken the ability to rent a home (Federal Trade Commission 2013; Traub 2013). Even for people who have the resources to cover the assessed fees, payment of the fees could mean to paying other bills, which could then become delinquent and be sent to a debt collector. States should examine their rules and regulations regarding the imposition of such fees and examine opportunities to mitigate their imposition and impact. One way for the state to alleviate the economic burden on youth is paying restitution to victims when youth cannot or making use of restorative justice as a cost-free alternative. A large, multisite study, including Illinois and Minnesota, of justice financial obligations funded by the Laura and John Arnold Foundation

is under way (Harris et al. 2017). This gives those states a jump start and gives other states a roadmap to identify statutes that support the imposition of such fees and might best be changed.

## **Develop Nonjustice Options to Address Youth Needs and Issues**

Too often, the primary pathway for young people to receive needed services and treatment is involvement in the justice system. Given the evidence that involvement in the justice system increases the likelihood of further involvement, justice system involvement should not be a preferred pathway to services for youth. Great Lakes–state policymakers can take several approaches to ensuring that valuable services and treatment to reduce risk of criminal offending are available to youth who would benefit from them without justice system involvement.

**Invest in prevention for youth at risk of justice involvement.** There are several promising prevention intervention models that address risk factors for crime, delinquency, and justice system involvement for youth populations at risk for these outcomes.<sup>15</sup> These include school-based violence prevention programs that have had positive impacts on outcomes such as violence and gang affiliation (Ebensen et al. 2012; Wilson and Lipsey 2007). One particularly promising recent model is the One Summer Plus summer jobs program, which served students from some of Chicago’s most violent schools. A rigorous randomized controlled trial evaluation found One Summer Plus to deliver substantial reductions in youth violence, with those benefits realized primarily after program participation ended (Heller 2014). Similarly, the Becoming a Man program in Chicago, which offers youth weekly group sessions during the school day and uses cognitive behavioral therapy to help youth deal with high-stakes situations, was found to increase graduation rates and reduce criminal behavior among young men in Chicago Public Schools (Heller et al. 2015; Park 2014).

State and local policymakers should invest in effective prevention and can maximize the impact of those investments by developing prevention infrastructure for the youth and places that need it most. An example of this kind of infrastructure comes from the City of Los Angeles, which consolidated its investments in addressing multigenerational gang issues in the mayor office’s Gang Reduction and Youth Development Foundation (Cahill et al. 2015). The foundation delivers primary prevention (community-wide), secondary prevention (focused on youth at risk of gang involvement), and intervention services (for youth affiliated with gangs) for in traditionally high-violence areas of the city. Its infrastructure includes clearly specified criteria for each of its service levels, assessment tools for establishing risk level and eligibility, clearly specified program models for contract providers to follow, and a common data system for tracking services. Establishing this infrastructure took years and is resource intensive, but it has allowed Los Angeles to orient its prevention investments at all levels around a single comprehensive strategy. Great Lake cities with serious violence problems could benefit from developing a comprehensive strategy and infrastructure that includes prevention.

**Support school discipline policies that reduce the likelihood of justice involvement.** Revisions to school disciplinary criteria might also be thought of as prevention, given that school expulsion is a risk factor for justice involvement. Additionally, status offenses related to school conduct such as truancy can pull youth into the criminal justice system. Truancy and parental accountability laws can

disadvantage low-income families who cannot pay associated fines, destabilizing homes and ushering disadvantaged youth and parents into the criminal justice system (Heilbrunn 2013). There are, however, other options. Restorative justice models are increasingly being implemented as an alternative approach to school discipline, particularly in contrast to zero tolerance approaches. The evidence base on restorative justice practices in schools is still in the early stages of development, but early findings are encouraging in terms of discipline, attendance, and academic outcomes (Fronius et al. 2016). By dramatically reducing the number of youth detained and arrested for misbehavior at schools, Lucas County, Ohio, drastically decreased the number of youth referred to court and secured in their youth detention center population.<sup>16</sup>

**Ensure access to substance abuse and mental health interventions without justice involvement.**

Many behavioral health issues end up being addressed through the justice system, particularly local jails, because of inadequate capacity to intervene and treat them in the community, a dynamic that the opioid epidemic can only exacerbate. Correctional and other justice leaders across the country have seized upon recent Medicaid expansion as a powerful opportunity to move behavioral health issues from institutional corrections to community-based alternatives. Great Lakes states, such as Ohio, have been leaders in figuring out how to connect justice-involved populations, particularly those returning from prison, to Medicaid coverage (Jannetta, Wishner, and Peters 2017). Yet treatment and services may often come to juveniles through the justice system because of insufficient funding for community-based interventions (Lieberman and Fontaine 2015). For Wisconsin, expanding Medicaid as the other five Great Lakes states have done has the potential to increase access to community-based behavioral health services for both justice-involved young adults and low-income young adults generally.

## **Make Responses to Serious Offending Effective, Focused, and Appropriate for Youth**

Crime and violence are serious problems that harm the life chances of young people and communities generally. Strategies to reduce the criminal justice system footprint should be complemented by efforts to deliver targeted and evidence-based efforts to address crime and violence problems and youth involved in serious offending. Great Lakes policymakers can support and adopt methods that reduce crime, violence, and victimization and hold youth involved in them appropriately accountable while recognizing and supporting their ability to achieve positive change in their lives.

**Integrate a positive youth development framework into juvenile and adult criminal justice policies.** As previously mentioned, neuroscience research has shown that juveniles and young adult brains are still developing. A positive youth development approach aims to facilitate healthy human development for young people who offend instead of punishing them. In practice, this approach would lead Great Lake states to promote desistance through evidence-based social development programs. To this end, policies that train law enforcement, courts, probation officers, defense and prosecution lawyers would be trained to be revised and refocused (Butts 2014). In addition to orienting the juvenile justice system around positive youth development, policymakers could undertake parallel efforts for young adults in the adult justice system.

**Focus antiviolence efforts on the relatively small population most at risk.** Approaches to address pressing crime problems with precision and focus should complement those that push back on overbroad enforcement and its negative side effects. Many of the most damaging crime issues, such as gun violence, involve a relatively small number of individuals, which makes it possible to confront them through strategies that tightly focus on the people most likely to engage in them. Focused deterrence strategies, such as those promulgated by the National Network for Safe Communities,<sup>17</sup> have shown effectiveness in Great Lakes communities, such as Chicago (Papachristos and Kirk 2015), Cincinnati (Engel, Tillyer, and Corsaro 2013), Indianapolis (Corsaro and McGarrell 2010), and Rockford (Corsaro, Brunson, and McGarrell 2013), reducing crime and violence in distressed communities without resorting to broad application of criminal penalties for residents there. Cure Violence, a model developed in Chicago that uses a public health model to interrupt the contagion-like spread of violence, operates with similar tight focus, though the evidence of its effectiveness is mixed to date (Butts et al. 2015). State and local policymakers can support targeted crime-reduction interventions through funding and insisting on the requisite collaboration across levels of government.

**Reduce access to firearms for people at risk of committing violence.** There are a variety of strategies that address gun violence by minimizing the diversion of firearms from legal to illegal users, and prevent people at high risk of violence from purchasing firearms (Bieler et al. 2016). Reducing the supply of firearms benefits youth by making it less likely that they will perpetrate or be the victim of a shooting, experience the direct trauma of someone close to them being shot, or suffer from the stress of living in a neighborhood in which gun violence is common. The balance of research evidence indicates that laws strengthening background checks and requiring a permit to purchase a firearm are associated with reductions in gun homicides, though the evidence of effect for other types of firearm laws and homicide are either mixed or negative (Lee et al. 2017).

**Raise the age of criminal court jurisdiction to 18.** For youth for whom prosecution is necessary, even for serious offenses, the juvenile justice system is the optimal setting. There are greater rehabilitative resources available through the juvenile justice system, greater risk of victimization for teens incarcerated in the adult system, and evidence that teens prosecuted in the juvenile justice system are less likely to reoffend than those prosecuted as adults in the criminal court system. Michigan and Wisconsin are the only Great Lakes states among the 10 states that set the age of juvenile court jurisdiction at less than 18, automatically prosecuting 17-year-olds as adults. They should raise the age of juvenile court jurisdiction to include 17-year-olds, as Illinois did in 2009.

**Explore new options for sanctioning young adults.** Though raising the age of juvenile court jurisdiction is important, neuroscience research has been confirming what has long been understood—the 18-year-old general boundary between juvenile and adult justice systems is rather arbitrary in terms of adolescent brain development, which continues into the mid-20s (Steinberg, Graham, et al. 2009; Steinberg, Icenogle, et al., forthcoming). Many young adult offenders will desist and become law-abiding adults as they continue to mature, if the justice system can support rather than interfere with this process (Steinberg 2014). Innovation is occurring across the country to create better justice practices for young adults based upon this knowledge. One such innovation is the development of

courts specifically for adjudicating young adults, including some based on restorative justice principles in Chicago<sup>18</sup> and some with specialized staff and intervention options for young adults in Brooklyn<sup>19</sup> and San Francisco (SFCC 2016). These courts can incorporate procedural justice, law-related education, restorative justice, and accountability and reduce reoffending. Massachusetts is considering legislation that would extend juvenile court jurisdiction to youth through age 21.<sup>20</sup> These models are emergent, and the evidence-base for them has not yet been solidified. Great Lakes policymakers can support replication and experimentation with such models and insist that they are rigorously evaluated. They also can and should monitor the research evidence in this area as it develops and push for large-scale and faithful implementation of effective models as they are identified.

**Insist that risk-reduction interventions be evidence based.** There are a considerable number of evidence-based and promising interventions to reduce the risk of juveniles becoming involved, or further involved, in the justice system. Entities such as the Washington State Institute for Public Policy (WSIPP 2017) and the University of Colorado<sup>21</sup> have done thorough work synthesizing and summarizing which approaches have which degree of evidence supporting them. For example, family therapy models, such as Functional Family Therapy and Multisystemic Therapy have both been found to be effective interventions (WSIPP 2017). Similar undertakings cover interventions for adults, such as the US Department of Justice’s Crime Solutions website<sup>22</sup> and the What Works in Reentry Clearinghouse.<sup>23</sup> This evidence base makes it possible for policymakers to insist that interventions intended to reduce the risk of juveniles and adults involved in the justice system be proven models, whether applied through alternatives to incarceration efforts, community supervision, or institutional corrections and reentry.

Oregon, for example, requires by law that multiple state agencies spend at least 75 percent of their funds on evidence-based programs. These funding targets were phased in over time, and the 75 percent figure preserves room for innovation and experimentation. As the Results First assessment showed, most of the Great Lakes states have substantial room for improvement in this area, including whether they have defined standards for evidence, whether they have assessed existing programs against that standard, and whether they require programs to be evidence based or prioritize such programming for funding. Additionally, states should look to define and monitor implementation fidelity. Evidence-based program models implemented without fidelity run the risk of having diminished or negative effects (WSIPP 2013).

## **Build the Legitimacy of the Justice System**

As discussed at the outset of this brief, many people have profound doubts about the legitimacy of the justice system, particularly in communities experiencing high levels of poverty and crime. This lack of community trust in the justice system can undermine the safety of a community, negatively affecting the success of young people and destabilizing the neighborhood. In addition to working to reduce harm done by justice interventions and more effectively reduce crime and reduce recidivism, Great Lakes policymakers should work actively to build the legitimacy of the justice system, with a focus on

interactions of all kinds with youth, to lay the foundation for long-term compliance with and cooperation with the law.

**Support efforts to build the legitimacy of the justice system.** Perceptions of justice system fairness among adolescents are linked to likelihood of recidivism—those who perceive the justice system to be fair have lower rates of recidivism (Mulvey and Schubert 2012). The operational method for building legitimacy is procedural justice, which involves adhering to four principles: treating people with dignity and respect, giving people “voice” during encounters, making decisions neutral, and conveying trustworthy motives. State and local policymakers can lead the call for incorporating procedural justice into the operations of all parts of the justice system, including policing, the courts, and corrections. One way to improve procedural justice is through direct community engagement to identify public safety priorities shared by police and the people they serve. A prominent effort to further procedural justice in the arena of policing, the National Initiative for Building Community Trust and Justice (National Initiative) is charged with devising, testing, and packaging strategies building legitimacy and trust between law enforcement and communities.<sup>24</sup> Two Great Lakes states are piloting the National Initiative (Gary and Minneapolis). The National Initiative also draws heavily from the procedural justice training model for police developed by Chicago. Though implementation in the National Initiative is in process and results from the evaluation of the effort are a year away, much will be learned from the piloting that can inform future efforts.

**Measure and work to address racial and ethnic disparities in the justice system.** Widespread and severe racial and ethnic disparities in justice involvement from arrest through incarceration undermine the legitimacy of the justice system in communities of color and cause young people to question the basic fairness of American justice. Great Lakes policymakers can address this first by forthrightly acknowledging this as a problem and committing to mitigate drivers of disparity. If, for example, there are substantial racial or ethnic disparities in youth transfers to the adult justice system (i.e., youth of color with the same offense and prior history are more likely to be transferred than their white counterparts), then these practices must be curtailed or eliminated. Additionally, ensuring that data regarding racial and ethnic disparities are collected, publicly available, and used to track progress in reducing disparities is also important. For example, key data on the Latinx proportion of correctional populations is not publicly available for the Great Lakes states.<sup>25</sup> Reducing disparity is an area in which proven techniques are still under development. Some states, such as Minnesota, use racial disparity impact statement requirements to examine the impact on disparity of changes to sentencing law.<sup>26</sup> The National Initiative is also fielding interventions to address implicit bias and carry out a reconciliation process that addresses racial disparate justice impacts. This is an area Great Lakes policymakers should actively monitor for emerging evidence-based practice.

**Support transparency through publicly available criminal and juvenile justice data.** Transparency is an important contributor to legitimacy. Great Lakes policymakers can foster this transparency by collecting and making publicly available data on justice. Some of this can be done by state and local agencies. Other methods could include supporting participation in elective efforts, such as the Police Data Initiative<sup>27</sup> or Measures for Justice.<sup>28</sup> Wisconsin is the only Great Lakes state with active data in

the Measures for Justice database and has made available the most metrics. Collecting and releasing local-level data can be particularly helpful for smaller cities and rural areas, for which much less data are generally available than for larger urban areas. State and local governments can also support collaboration with community members and organizations to gather data on important metrics, such as trust in the police, using community-based participatory research models. Making this data available allows communities throughout a state, including young people, to understand what the justice system is doing, how it affects them, and whether things are improving.

## Conclusion

The future prosperity of the Great Lakes states depends in large part on the productivity and well-being of young people. This paper has outlined 20 strategies for removing justice-related barriers to the success of young people. There are some areas in which the evidence base and operational applications are reasonably well established, although implementation in a new context can be challenging. There are other areas we know are important but in which experimentation and learning are necessary. While considering these recommendations, policymakers must remember that young people are vital assets and their success or failure within and without the criminal justice system directly impacts the future of Great Lake states.

## Notes

1. The interaction between age and juvenile or adult system jurisdiction is further complicated by the fact that juvenile courts can retain jurisdiction over youth disposed when they were juveniles until the age of 20 in Illinois, Indiana, Michigan, Minnesota, and Ohio and until the age of 24 in Wisconsin. See “Extended Age of Juvenile Court Jurisdiction, 2016,” last modified March 27, 2017, [https://www.ojjdp.gov/ojstatbb/structure\\_process/qa04106.asp?qaDate=2016](https://www.ojjdp.gov/ojstatbb/structure_process/qa04106.asp?qaDate=2016).
2. For a fuller treatment of these issues as they pertain to boys and young men of color, see Liberman and Fontaine (2015).
3. See “Murder Rates in 50 American Cities,” *Economist*, February 7, 2017, <http://www.economist.com/blogs/graphicdetail/2017/02/daily-chart-3>.
4. Results First Researchers developed the ratings through a two-phase process consisting of (1) “an exhaustive review of statutes, administrative codes, executive orders and publicly available documents released between 2010 and 2015;” and (2) “an email survey of more than 200 state officials, including agency directors with control over policy areas examined in the study, budget directors, and directors of commission and entities that influence policy in these areas” (Pew-MacArthur Results First Initiative 2017, 4).
5. The National Vital Statistics System multiple cause-of-death mortality files were used to identify drug overdose deaths. Drug overdose deaths were classified using the International Classification of Disease, Tenth Revision (ICD-10), based on the ICD-10 underlying cause-of-death codes X40–44 (unintentional), X60–64 (suicide), X85 (homicide), or Y10–Y14 (undetermined intent) (2). Among the deaths with drug overdose as the underlying cause, the type of opioid involved is indicated by the following ICD-10 multiple cause-of-death codes: opioids (T40.0, T40.1, T40.2, T40.3, T40.4, or T40.6); natural and semisynthetic opioids (T40.2); methadone (T40.3); synthetic opioids, other than methadone (T40.4); and heroin (T40.1). Some deaths involve more than one type of opioid; these deaths were included in the rates for each category (e.g., a death involving both a synthetic opioid and heroin would be included in the rates for synthetic opioid deaths and in the rates for heroin deaths).

6. See the Misdemeanor Justice Project website, <http://misdemeanorjustice.org/>.
7. "RECLAIM Ohio," Ohio Department of Youth Services, accessed September 7, 2017, <http://dys.ohio.gov/Community-Programs/RECLAIM/RECLAIM-Ohio>.
8. "Sharp Declines in Youth Placements Continue in Ohio's Lucas County," The Annie E. Casey Foundation, February 26, 2015, <http://www.aecf.org/blog/sharp-declines-in-youth-placements-continue-in-ohios-lucas-county/>.
9. "Justice Reinvestment Initiative," Bureau of Justice Assistance, accessed September 11, 2017, <https://www.bja.gov/programs/justicereinvestment/index.html>.
10. See the Safety and Justice Challenge website, <http://www.safetyandjusticechallenge.org/>.
11. Clifford T. Keenan, "We Need More Bail Reform," Pretrial Services Agency for the District of Columbia," Pretrial Services Agency for the District of Columbia, accessed September 11, 2017, <https://www.psa.gov/?q=node/390>.
12. Steve Schmadeke, "Foxy Agrees to Release of Inmates Unable to Post Bonds of up to \$1,000 Cash," *Chicago Tribune*, March 2, 2017, <http://www.chicagotribune.com/news/local/breaking/ct-kim-foxx-bond-reform-met-20170301-story.html>.
13. See the Collateral Consequences Resource Center website, <http://ccresourcecenter.org/>, for more information regarding the form these can take.
14. "Juvenile Records," Juvenile Law Center, accessed September 11, 2017, <http://juvenilerecords.jlc.org/juvenilerecords/#!/map>.
15. There are several early childhood interventions that have demonstrated long-term beneficial effects on delinquency and justice system involvement, such as the Perry Preschool program and Nurse-Family Partnership visitation programs. We don't discuss them here as there is a separate brief in this series covering early childhood interventions.
16. "Sharp Declines in Youth Placements Continue in Ohio's Lucas County," Annie E. Casey Foundation (blog), February 26, 2015, <http://www.aecf.org/blog/sharp-declines-in-youth-placements-continue-in-ohios-lucas-county/>.
17. See the National Network for Safe Communities website, [www.nnscommunities.org](http://www.nnscommunities.org).
18. Yana Kunichoff, "Should Communities Have a Say in How Residents Are Punished for Crime?" *Atlantic*, May 2, 2017, <https://www.theatlantic.com/politics/archive/2017/05/chicago-restorative-justice-court/524238/>.
19. "Brooklyn Young Adult Court," Center for Court Innovation, accessed September 11, 2017, <http://www.courtinnovation.org/project/brooklyn-young-adult-court>.
20. Vincent Schiraldi, "Justice System Failing Young People," *Boston Herald*, June 3, 2017, [http://www.bostonherald.com/opinion/op\\_ed/2017/06/schiraldi\\_justice\\_system\\_failing\\_young\\_people](http://www.bostonherald.com/opinion/op_ed/2017/06/schiraldi_justice_system_failing_young_people).
21. See the Blueprints for Healthy Youth Development website, <http://www.blueprintsprograms.com/>.
22. See the Crimes Solutions website, <https://www.crimesolutions.gov/>.
23. "What Works in Reentry Clearinghouse," The Council of State Governments Justice Center, accessed September 11, 2017, <https://whatworks.csgjusticecenter.org/>.
24. See the National Initiative for Building Community Trust and Justice website, <https://trustandjustice.org/>.
25. Sarah Eppler-Epstein, Annie Gurvis, and Ryan King, "The Alarming Lack of Data on Latinos in the Criminal Justice System," Urban Institute, accessed September 11, 2017, <http://apps.urban.org/features/latino-criminal-justice-data/>.
26. See MSGC (2016) for an example of such a statement.
27. The Police Data Initiative included 18 policing agencies in Great Lakes States as of June 2, 2017. See "Participating Agencies," Police Data Initiative," accessed September 11, 2017, <https://www.policedatainitiative.org/participating-agencies/>.

28. See the Measures for Justice website, <https://measuresforjustice.org/>.

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## About the Authors

**Jesse Jannetta** is a senior research associate in the Justice Policy Center at the Urban Institute, where he leads projects on prison and jail reentry, community-based violence reduction strategies, and community supervision. He is the project director for the Transition from Jail to Community initiative and the coprincipal investigator of evaluations of the Los Angeles Gang Reduction and Youth Development strategy and the Chicago Violence Reduction Strategy. His work includes applying mixed-method approaches to process and impact evaluations as well as providing direct technical assistance to jurisdictions working to improve justice system functioning.

**Cameron Okeke** is a research associate in the Justice Policy Center at the Urban Institute.

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Washington, DC 20037  
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