



**Justice Center**

THE COUNCIL OF STATE GOVERNMENTS

# RETHINKING THE ROLE OF THE JUVENILE JUSTICE SYSTEM: IMPROVING YOUTH'S SCHOOL ATTENDANCE AND EDUCATIONAL OUTCOMES

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# About the CSG Justice Center



## Justice Center

THE COUNCIL OF STATE GOVERNMENTS

National nonprofit, nonpartisan, membership association of state government officials that engages members of all three branches of state government

Provides practical, nonpartisan research-driven strategies and tools to increase public safety and strengthen communities

# Context and Background

# Juvenile justice systems have changed significantly over the last 20+ years.

**76%** decline in arrest rates

**64%** decline in number of incarcerated youth

**44%** decline in number of detained youth

Increase in use of structured decision-making tools, evidence-based practices, and developmentally appropriate approaches

**Over 725,000 youth are still arrested annually.**

Only 6% are for violent offenses



An additional 100,000 youth are referred to court each year for “status” offenses.

# Racial and ethnic disparities in arrests are pronounced and long-standing.

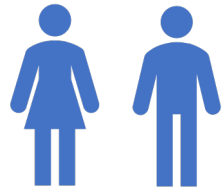
Compared to their White peers, Black and Hispanic youth are:

**5x** more likely to be arrested for a violent crime

**3.5x** more likely to be arrested for a property crime

**3.5x** more likely to be arrested for discretionary offenses like disorderly conduct/breach of peace

# Research is clear that system involvement for low-risk youth does more harm than good.



## Arrest and/or Court Involvement vs. Diversion



# Rethinking Juvenile Justice & Education



What role should the juvenile justice system have in addressing school attendance and performance?



What impact does system involvement have on school attendance and performance?



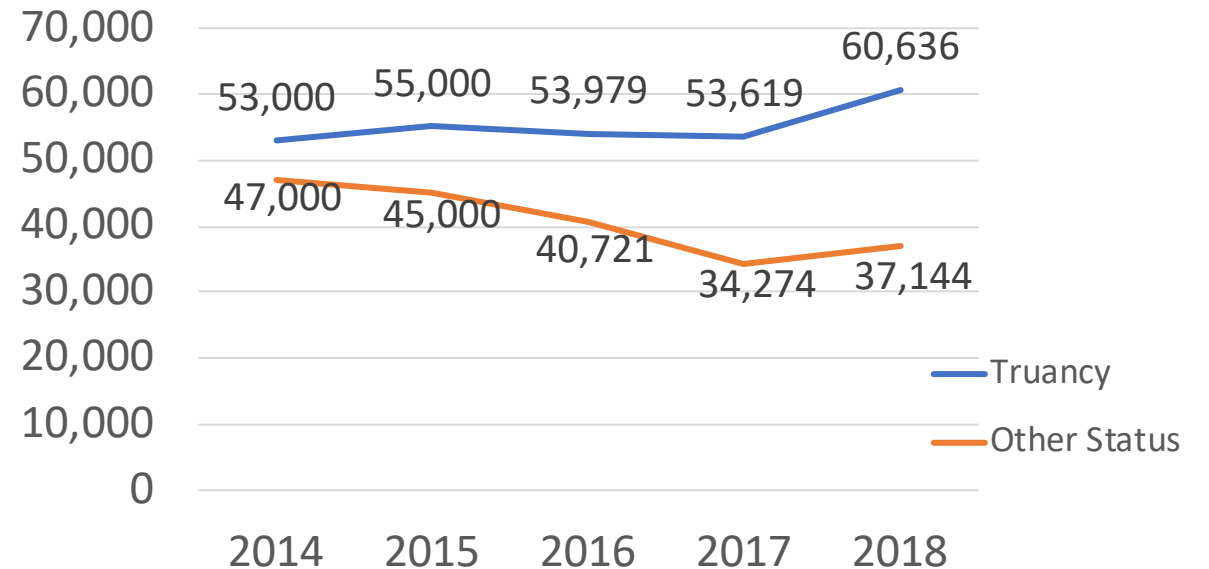


# Juvenile justice systems have taken on formal roles/responsibilities related to youth's education.

...under the presumption that system involvement will result in improvements

1 Youth can be sent to court for missing school.

Court Petitions for Truancy and Other Status Offenses



# Juvenile justice systems have taken on formal roles/responsibilities related to youth's education. (cont.)

...under the presumption that system involvement will result in improvements



School attendance, and sometimes performance, are standard conditions of probation.

**288,000** youth are placed on some form of probation annually.

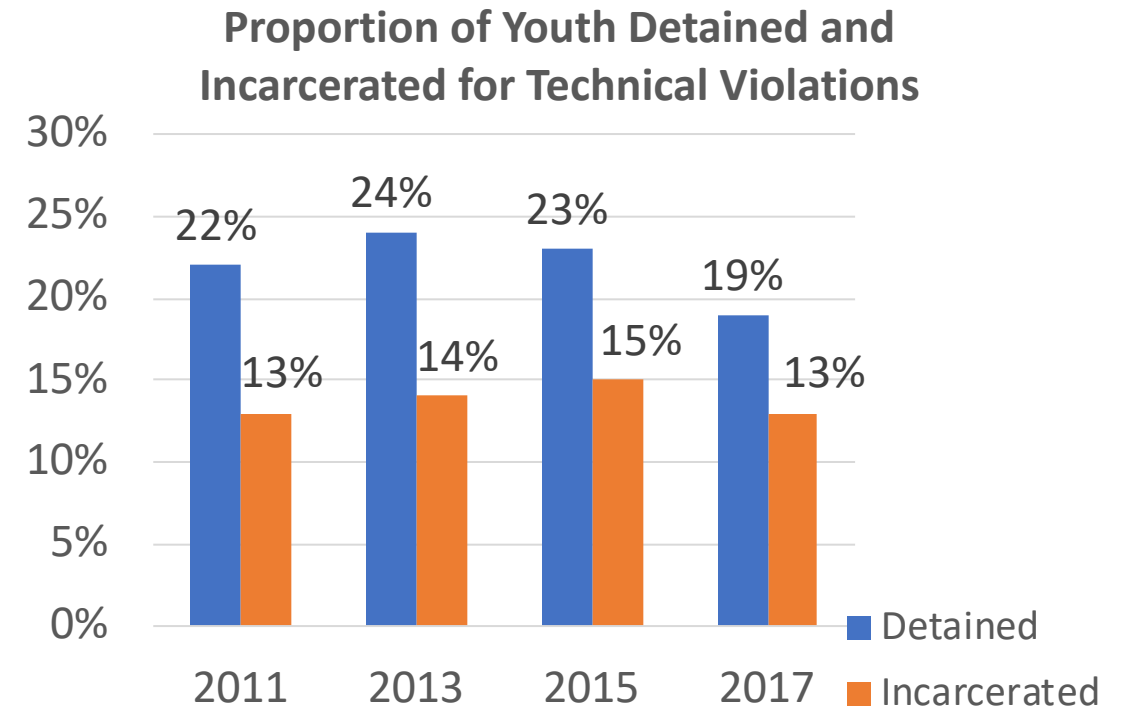
**<30%** of probation placements in 2018 involved an offense against a person.

# Juvenile justice systems have taken on formal roles/responsibilities related to youth's education. (cont.)

...under the presumption that system involvement will result in improvements

# 3

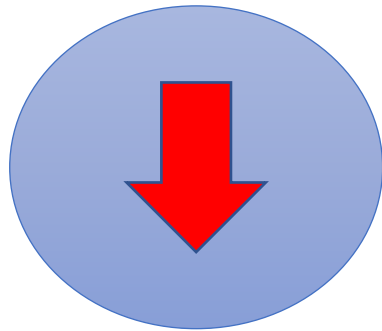
Youth can be detained or incarcerated for not complying with probation conditions, including those related to school.



# A major gap in existing research is the impact of juvenile probation on educational outcomes.

Impact of Juvenile Justice Involvement on Attendance and School Completion

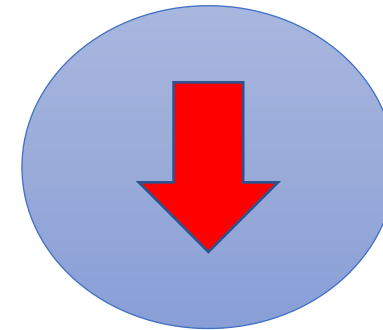
Arrest



Probation



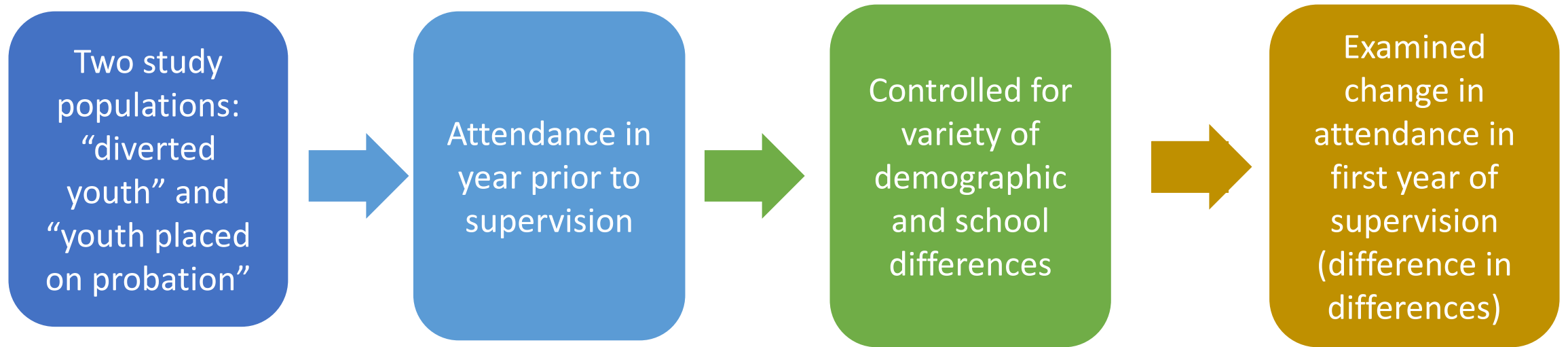
Incarceration



10x as many youth are placed on probation as are incarcerated at an estimated cost of \$2 billion annually.

# Study Methodology and Key Findings

# The South Carolina study examines the impact of system involvement on school attendance.



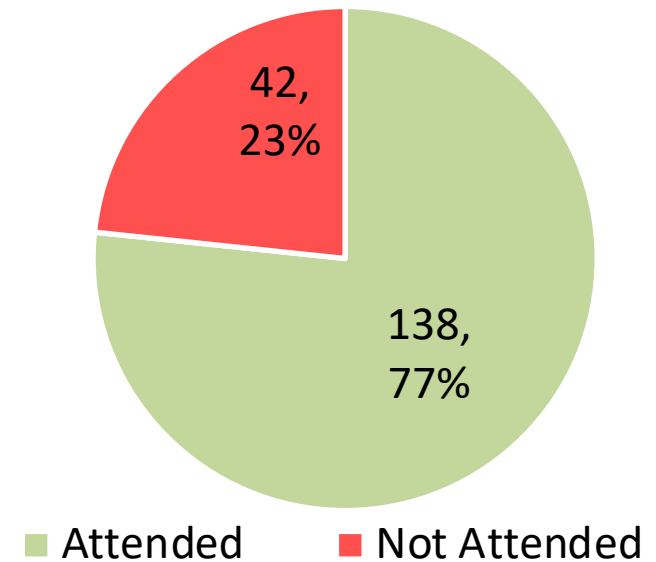
Information gleaned in focus groups in SC and across the country with juvenile justice system stakeholders and educational professionals complement the data analysis.

# Key Findings

1

In the school year prior to system involvement, diverted youth and youth on probation missed an average of 26 and 42 days of school, respectively.

Youth on Probation: Average Proportion of School Days Attended and Missed in Prior School Year

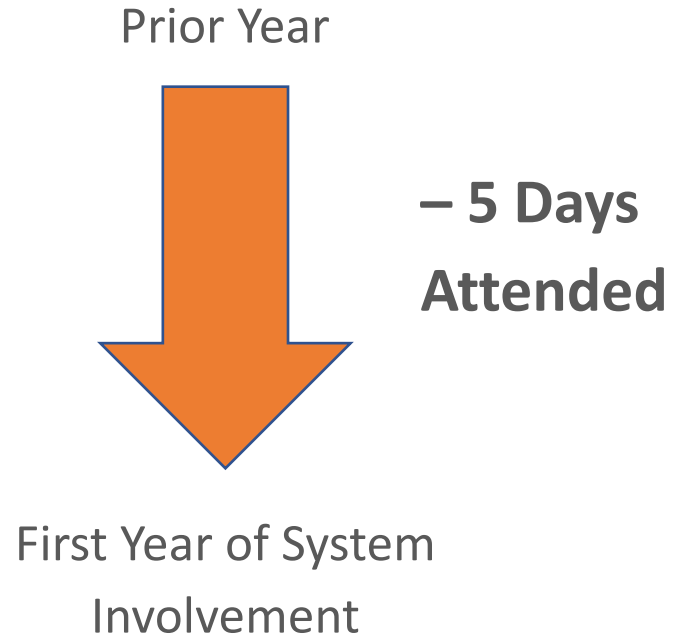


Further, a quarter of youth placed on probation missed almost 60 days of school or more in the year prior to system supervision.

# Key Findings



Contrary to expectations, the school attendance of youth who were diverted or placed on probation declined in the first year of their system involvement.





# Key Findings

# 3

There was no significant difference in attendance between youth specifically mandated by the court to comply with a school attendance order and their peers who were not.




# Key Findings

# 4

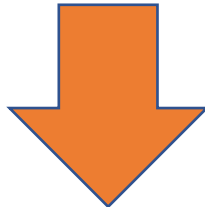
Older youth experienced significantly greater attendance declines during their first year of system involvement than their younger peers.

Youth 15 and Older

Prior Year  
 – 7.5 Days  
Attended

First Year of System  
Involvement

Youth Under 15

Prior Year  
 – 1.5 Days  
Attended

First Year of System  
Involvement

# Discussion and Recommendations

# We theorize three key reasons that might explain why system involvement does not benefit, and might harm, youth's school success.



Despite reforms, most probation agencies are fundamentally oriented around supervision, compliance, and sanction functions that don't promote long-term behavior change in adolescents, such as school attendance and performance.

- Reasons why youth don't attend school are **individualized and complex**.
- Probation officers typically don't have, nor should they be expected to have, **expertise to assess and address these root causes** and youth's learning needs.
- Tools readily available to most probation agencies—court mandates and oversight, compliance checks, and sanctions—**are ineffective at promoting long-term behavior change**.
- Probation officers **visiting youth while at school** can result in youth feeling stigmatized by their teachers and peers.
- Court hearings and other **mandatory appointments scheduled during school hours** force youth to miss school (and parents to miss work).

## We theorize three key reasons that might explain why system involvement does not benefit, and might harm, youth's school success (cont.).



System involvement can change the way youth see themselves and the way that others see and treat them, known as the “labeling” effect.

- Youth who are arrested and placed on probation **can come to see themselves as “delinquent”**—even if their behavior didn’t necessitate justice system intervention—and **act accordingly**, including associating with negative peers and skipping school.
- System involvement can **cause others to see youth as “delinquent” and treat them accordingly**. These negative perceptions can **strain or sever youth’s connections** to positive adults, peers, and prosocial activities that are critical to school engagement and success.

## We theorize three key reasons that might explain why system involvement does not benefit, and might harm, youth's school success (cont.).



Some schools impose sanctions on youth who become justice involved that are likely to negatively impact their attendance as well as other positive youth outcomes.

- School personnel receive notification of youth's juvenile justice system involvement—including [access to confidential records](#)—even if their offenses were nonviolent and/or did not take place on school grounds or involve students or staff.
- Youth are [barred from attending in-person classes before they have been proved guilty](#) of a crime and adjudicated as such by the juvenile court.
- Youth—and disproportionately youth of color—are [suspended or expelled](#), sometimes without a formal hearing or parental involvement, and typically without legal representation or due process.
- Youth are [required to attend alternative schools](#), which can have lax standards, and youth don't receive public transportation and are barred from participating in extracurricular activities.

# Rethinking the role of the juvenile justice system when it comes to keeping youth in school and on track for a successful future

- ★ Reconsider statutory/administrative policies that allow youth to be arrested and/or referred to court as the most effective tools for improving youth's school attendance.
- ★ Designate primary responsibility for improving youth's school engagement to agencies/organizations whose core mission is education/youth development rather than public safety.
- ★ Focus truancy interventions on assessing and addressing the root causes of individual youth's school engagement challenges rather than compliance/sanction-based approaches.
- ★ Eliminate or revamp standardized, education-related conditions of supervision so such conditions are imposed only if and when school issues are a direct cause of individual youth's delinquent behavior.

# Rethinking the role of the juvenile justice system when it comes to keeping youth in school and on track for a successful future (cont.)

- ★ Establish **realistic, developmentally appropriate goals** for youth's attendance improvements, and use incentives, rather than sanctions, as the primary motivational tool.
- ★ Eliminate **probation contacts while youth are at school** to avoid youth feeling stigmatized, and maintain **probation/court appointments after school hours**.
- ★ Limit or restrict the **automatic imposition of school-related sanctions** on youth who become justice involved, including suspensions and expulsions, and consider such actions only when youth pose a direct risk to the safety of school staff and/or students.
- ★ Ensure justice-involved students are afforded **the same quality of education, connections to positive adults and peers, and access to prosocial activities** and supports as their peers.



# Key Resources

# The study is part of an emerging portfolio of work focused on encouraging jurisdictions to rethink the “front end” of the system.



Report highlighting study findings, as well as accompanying infographics and recommendations encouraging jurisdictions to rethink the juvenile justice system’s role in youth’s education.

<https://csgjusticecenter.org/publications/rethinking-the-role-of-the-juvenile-justice-system-improving-youths-school-attendance-and-educational-outcomes/>



Incorporating a more explicit focus on pre-arrest diversion, equity, and engagement of law enforcement and community members