



TENNESSEE BRIGHTER FUTURES: JUVENILE JUSTICE

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About TCCY

Advocating for data-driven decisions to improve the lives of children and youth in Tennessee.

The Tennessee Commission on Children and Youth (TCCY) is an independent, nonpartisan agency created to ensure the state's policies and programs effectively promote and protect the health, well-being and development of children and youth.

Established by the Tennessee General Assembly as a permanent commission, TCCY is the state's centralized informational resource and advocacy agency for timely, fact-based information to aid policymaking and coordination of resources.

What TCCY Does

- **Data and Insights:** Monitors various child and youth indicators to identify trends and areas of concern; keeps up with best practices for addressing issues affecting children and youth.
- **Collaboration:** Convenes various agencies and organizations in leading efforts to improve services for children and youth.
- **Policy Advocacy:** Reviews data and outcomes of various policies related to children and youth to provide evidence-based suggestions for improvement.
- **Public Awareness:** Promotes public awareness about children's issues and advocates for community engagement in addressing these concerns.

Synopsis of Presentation



Juvenile Justice 101



The Juvenile Court Case Process



Three Things to Keep in Mind



How Juvenile Justice Intersects With Other Systems of Support

What is Juvenile Justice?

- A system of laws, policies, procedures, and services intended to prevent delinquent behavior of nonadults and regulate the processing and treatment of nonadult offenders for violations of [law](#) and to provide legal remedies that protect their interests and public safety.

Youth Justice System: Purpose



THE JUVENILE COURT CASE PROCESS

ARREST, REFERRAL, AND INITIAL DETAINMENT

- The first encounter a youth has with the [juvenile justice system](#) is usually when he or she is taken into custody by a law enforcement official.
- Other ways that youth enter the system include "referrals" by parents and schools, delinquency victims, and probation officers.
- A decision is usually made after the youth is taken into custody as to whether he/she should be detained and charged, released, or transferred into another youth welfare program.

INFORMAL ADJUSTMENT

- Approximately 50 percent of all juvenile justice cases are heard informally, and among these, most are dismissed.
- **Tennessee Rules of Juvenile Practice and Procedure (Rule 201(d)(1)), in part says, “If the designated court officer determines that the matter is not serious enough to require official action before the juvenile court judge, then the designated court officer may remedy the situation by giving counsel and advice to the parties through an informal adjustment. No admission of the allegation contained in the complaint shall be required of the child when determining whether to proceed with an informal adjustment. ”**

PRETRIAL DIVERSION

- Tennessee Rules of Juvenile Practice and Procedure Rule 202(a) says,
“If the designated court officer determines that the matter is appropriate for pretrial diversion, the pretrial diversion agreement shall be in writing and signed by the child, the child’s parent, guardian or other legal custodian and the designated court officer. No admission of the allegation contained in the petition shall be required of the child when determining whether to proceed with a pretrial diversion. The agreement must be approved by the court before it is of any force and effect.”

JUDICIAL DIVERSION

- Tennessee Rules of Juvenile Practice and Procedure Rule 209(f) says,
“If the court accepts a guilty or no contest plea pursuant to a judicial diversion and approves the conditions of probation, the plea shall not be entered as a judgment of guilty and the child shall not be found delinquent. If the child violates the terms of the diversion and the court so finds, then the plea may be entered as a judgment of guilty, and the child shall be found delinquent.”

POTENTIAL CONDITIONS INCLUDE

- Restitution – the youth is required to reimburse the victim or pay a fine to the community for damages he/she has caused.
- Mandatory curfew – the youth is subject to a strict curfew.
- School attendance – the youth is required to attend school regularly.
- Rehabilitation – the youth is required to participate in drug or other rehabilitation programs.

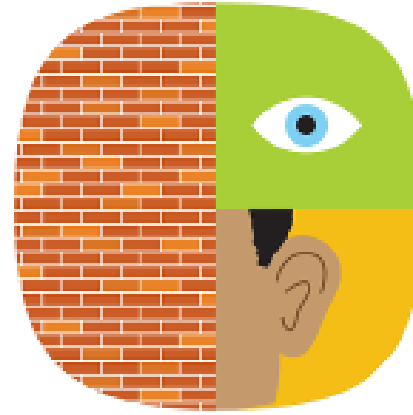
CONDITIONS, cont.

- Once all parties have agreed to the conditions, the youth will be released on a probationary basis to fulfill his/her obligations.
- During this "informal probation" time, the youth's progress will be monitored by a designated court officer. After the youth has met the conditions, the juvenile court case will be dismissed.
- If the youth fails to meet the orders outlined by the court, he/she may be required to face a formal hearing.

FORMAL HEARING

- If, upon assessment of a youth's case, a formal hearing is deemed necessary, an initial decision must be made as to how the case will be heard. In Tennessee, the case can be heard in juvenile court or criminal court.
- Most cases involving youth fall under the jurisdiction of the juvenile court. However, in Tennessee, our statutes allow prosecutors to ask the juvenile court to transfer the case to criminal court. The State must file a Notice of Intent to Seek Transfer of Jurisdiction of Child to Criminal Court.
- The juvenile court judge makes that decision based

Juvenile Justice Delinquency and Prevention Act



Federal Juvenile Justice Reform Act of 2018



Three Things to Keep in Mind

1. Treat Children as Children

- Children do not belong in adult courts, jails, and prisons. [Research indicates](#) that youth whose cases are prosecuted in adult criminal court are more likely to be rearrested and have higher recidivism rates than youth in the juvenile justice system.
- [Research](#) also shows that the average person's brain is not fully developed until their mid-20s. Consequently, adolescents are prone to impulsive, emotional, and risk-taking behavior.
- Because their developing brains are more malleable than those of adults, young people are also more capable of change and rehabilitation. In addition, most youth naturally [age out of delinquent behavior](#) as they mature.
- The juvenile justice field's decision making must be informed by science and research to ensure young people are adjudicated fairly and given opportunities to learn and recover from youthful mistakes. [OJJDP Priorities | Office of Juvenile Justice and Delinquency Prevention \(ojp.gov\)](#)

2. Serve Children at Home, With Their Families, in Their Communities

- **Community-based programs that involve families as a critical component enhance youth outcomes, increase public safety, and strengthen neighborhoods.**
- **The number of youth held at state-run facilities has decreased steadily since 2001, according to [2001–2019 data](#). These facilities are typically the most expensive to operate but have negligible public safety benefits compared to community-based programs. They are also ill-equipped to address the [trauma and mental health challenges](#) that bring many young people into contact with the juvenile justice system.**
- **Youth incarceration has several [negative outcomes](#), including association with more delinquent peers and increased criminal behavior and recidivism. Closing [underutilized juvenile correctional facilities](#) and reinvesting the savings into evidence-based programs and services keeps young people out of the system, in school, and connected to their families. [OJJDP Priorities | Office of Juvenile Justice and Delinquency Prevention \(ojp.gov\)](#)**

Serve Children at Home, With Their Families, in Their Communities

- “We are willing to spend the least amount of money to keep a kid home, more to put him in a foster home and the most to institutionalize him.” **Marian Wright Edelman, Activist and Founder of the Children’s Defense Fund**



3. Open Up Opportunities for System-Involved Youth

- When youth become involved with the juvenile justice system, they typically face repercussions that extend beyond the immediate consequences. Juvenile records can adversely affect a young person's ability to continue their education, secure housing, get a job, or join the military.
- These collateral consequences can, in turn, lead to recidivism and prolong contact with the juvenile justice system. If the mission of the juvenile justice system is truly to rehabilitate young people and protect public safety, juvenile justice practitioners must recognize and address the barriers to success that involvement with the juvenile justice system creates for youth. [OJJDP Priorities | Office of Juvenile Justice and Delinquency Prevention \(ojp.gov\)](#)

Youth in Transition (Aging Out)

- All children — and especially older children in foster care — need and deserve a loving family with no expiration date. Yet, in the United States, about 20,000 youth exit foster care and are left to fend for themselves each year.
- This scenario — leaving foster care without achieving permanence — carries lifelong consequences. Youth who age out of foster care are more likely to engage in risky behaviors and more likely to experience hardships such as homelessness, joblessness, early parenthood and substance use. [Youth in Transition \(Aging Out\) - The Annie E. Casey Foundation \(aecf.org\)](https://www.aecf.org/youth-in-transition-aging-out)

Youth in Transition (Aging Out)

- TCCY's Youth Transitions Advisory Council (YTAC) was established by the Legislature to assist the Department of Children's Services with developing extension of foster care services for youth in state custody who age out of the child welfare and juvenile justice systems.
- Extension of foster care services assists young people who age out of state custody in completing their high school diploma, GED or High School Equivalency Test, and post-secondary education. These young people are no longer in state custody, but voluntarily agree to remain under juvenile court supervision continuing to receive needed services from DCS, while completing their education.

How does Juvenile Justice intersect with ACEs/Trauma?

- Trauma or exposure to violence may increase the likelihood of juvenile justice involvement.
- Multiple studies show a connection between childhood violence exposure and antisocial behavior, including delinquency, gang involvement, substance use, posttraumatic stress disorder, anxiety, depression, and aggression (Wilson, Stover, and Berkowitz 2009; Finkelhor et al. 2009).
- Youth who have experienced trauma are often hyper-vigilant and easily triggered. System-level changes are needed to improve a sense of safety, reduce exposure to traumatic reminders, and equip youth with tools to cope with traumatic stress.
- Often youth with multiple adverse childhood experiences are misdiagnosed with behavioral disorders and their treatment does not address underlying trauma.
- Young people without family support are at higher risk of violence and prolonged court involvement.

How does Juvenile Justice intersect with Child Abuse?

- “A body of literature concentrates on the link between experiencing maltreatment as a child and exhibiting later delinquent or criminal behavior. More than 40 years of research has demonstrated that a history of child abuse, neglect, and child welfare system involvement increases the likelihood of aggression, violence, delinquency, and justice system involvement (e.g., Bolton, Reich, and Gutierrez, 1977; Goodkind et al., 2020; Ireland, Smith, and Thornberry, 2002; Jung et al., 2021; Milaniak and Widom, 2015; Swanston et al., 2003; Zingraff et al., 1993).”

How does Juvenile Justice intersect with Criminal Justice?

- There is an obvious intersection with the youth justice system and law enforcement.
- Many youth have parents/family members who are currently in the criminal justice system.
- School to prison pipeline
- Transfer Laws

How does Juvenile Justice intersect with Domestic Violence?

- Almost 1 in 10 American children saw one family member assault another family member, and more than 25 percent had been exposed to family violence during their life (Finkelhor et al., 2009).
- The relationship may or may not be causal, but literature indicates that many of the same families and juveniles who have been involved in child abuse become involved in juvenile delinquency.
- High rates of victimization are seen in juvenile justice samples. Seventy percent of youth in residential placement had some type of past traumatic experience, with 30 percent having experienced frequent and/or injurious physical and/or sexual abuse (Sedlak & McPherson, 2010).
- Being the victim of a physical assault increases the likelihood of violent juvenile offending by 3.3 times (Nofzinger & Kurtz, 2005).

How does Juvenile Justice intersect with Homelessness?

- Runaway youth and youth experiencing homelessness have higher rates of involvement with the juvenile justice system than their peers, including higher rates of misdemeanor charges and gang affiliation.
- According to a study of runaway youth and youth experiencing homelessness in the Midwest, over half had been arrested at least one time since they first ran away, with many arrested multiple times.
- In one study, researchers found that among runaway youth and youth experiencing homelessness in 11 U.S. cities, nearly 44 percent had stayed in a jail, prison, or juvenile detention center, 78 percent have had at least one interaction with the police at some point in their life, and nearly 62 percent had been arrested at least once.
- They may engage in delinquent acts such as stealing, selling drugs, and prostitution as strategies for survival and these behaviors often serve as the initial point of contact with the justice system.

How does Juvenile Justice intersect with Mental Health?

- Mental health disorders are prevalent among youths in the juvenile justice system. A meta-analysis by Vincent and colleagues (2008) suggested that at some juvenile justice contact points, as many as 70 percent of youths have a diagnosable mental health problem.
- In a nationwide study, the prevalence of diagnosed disorders increased the further that youths were processed in the juvenile justice system (Wasserman et al. 2010).
- Multiple studies confirm that a large proportion of youths in the juvenile justice system have a diagnosable mental health disorder. Studies have suggested that about two thirds of youth in detention or correctional settings have at least one diagnosable mental health problem, compared with an estimated 9 to 22 percent of the general youth population. (Schubert and Mulvey 2014; Schubert, Mulvey, and Glasheen 2011).
- A systematic review by Fazel and Langstrom (2008) found that youths in detention and correctional facilities were almost 10 times more likely to suffer from psychosis than youths in the general population.

How does Juvenile Justice intersect with Substance Abuse?

- Youth who have run away multiple times, who ran away at an early age, and who have experienced externalizing behavioral disorders (e.g., drug abuse, alcohol abuse, and conduct disorders) have been found to be more likely to be involved in these delinquent behaviors and subsequent arrest(s), suggesting that a small percentage of delinquent behavior among homeless youth may be an attempt to feed addictions that have developed.
- There is an undeniable link between substance abuse and delinquency. Being taken into custody, adjudication, and intervention by the juvenile justice system are eventual consequences for many youth engaged in alcohol and other drug use.



COUNCIL ON YOUTH JUSTICE GOALS

Convening Youth Justice Stakeholders in Tennessee to:

- Provide for mutual exchange of information and networking among service providers, legislators, advocates, state departments, courts, and other interested parties.
- Educate participants, officials and others involved in the youth justice system concerning the needs and problems of justice-involved youth in the state.
- Coordinate efforts between public and private service providers to enhance services for children, youth and families.
- Collect, Compile and Distribute data.
- Serve as a convener and coordinator for state and local juvenile justice related partners and reform efforts. to provide innovation in youth justice related practice and policy through the dissemination of knowledge that is research based and data driven.
- Embed in communities the responsibility and means to meet the needs of their youth who are at risk of entering or involved in the youth justice system.
- Support the creation of a continuum of care in each community, and throughout the state, to ensure that all youth are served from prevention to intervention through aftercare as close to their homes and communities as possible.

Questions

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