



## FY 2022 OJJDP Administrator Topic-Specific Listening Session: Treating Children as Children

June 30, 2022 | 1–3 p.m. ET

### Breakout Room Notes

#### 1. What does it mean to you to treat children as children?

##### a. What do you think are best practices for treating children as children?

- In recent decades, the number of youth who are prosecuted as adults has dropped, but I am concerned that the current climate might increase these numbers. It is important to ask: Is it ever appropriate to try kids as adults? The federal leadership that can come from OJJDP is important in addressing this. To address violent crime rates and avoid the mistakes from the 1990s, there should be resources, grants, etc., given to organizations to help treat kids as kids. It is important to “hold the line” when treating kids as kids.
- There should be more effort made toward restorative justice and allowing youth to take responsibility for their actions.
- I think it means understanding child development as a part of their involvement; knowing they either have little-to-no skills to function in the world they live in, they process differently, and there are numerous intentional and unintentional rewards and consequences.
- There is a push in every jurisdiction to clapback on reform efforts. It is important to acknowledge adolescent brain development. It is disheartening and dangerous when people in this field don’t care about things like this. It is important to treat every kid how you want your own kids to be treated. It is important to recognize the harm that can come from being involved in the child welfare and juvenile justice systems and the harm from sending children to the adult system. We need to make progress in the policy framework and do everything to prevent kids from entering this system. It is important to treat kids with respect, dignity, and kindness and to use a positive youth development framework, especially by incorporating this framework into systems that were not built to do that. Using traditional criminal justice responses doesn’t allow us to use this framework.
- It is important to not differentiate between all kids and “those” kids as a way to not “other” the children that become involved in the juvenile justice system. We can do this by thinking about our own children and how we would want them to be treated.
- It is difficult to help the 8–10-year-old children entering the system. We need age-appropriate programming for the youth. The positive youth development framework needs to be age appropriate. The combination of positive youth development, “holding the line,” and evidence-based practices will help us to treat kids as kids.
- We have historically “othered” the children that come into the system. This has resulted in overpopulating these systems with Black and Brown youth. OJJDP must continue to promote policies that ultimately eliminate the racist underpinnings of the system.
- A barrier to treating kids as kids is the prevalent racism in the country that “adultifies” Black boys and sexualizes Black girls. Speaking to policymakers and addressing why it is difficult to treat these children as we would want to treat our own children needs to incorporate dismantling the racial inequities of the justice system. The research shows that racial and ethnic minority kids are perceived as older and with more experience. It is important to be mindful of



the racial inequities built into the system and to not assign these groups with traits that they don't have.

- In terms of the data regarding juvenile justice, we need to think about what is left out and what is not collected in order to see the full picture. A trauma-informed approach will allow us to see the hurt that has affected the children. Looking at major events, like the pandemic, and how their experiences have been intensified by these events are important to acknowledge too. We need to think about how to help children reach the appropriate services that they need. We need to remove barriers to access resources that these youth need, such as recreation, family support, etc.
- When you think about how you did something you were not supposed to as a kid, you would acknowledge what you did and take responsibility.
- The label of “juvenile” makes them the “other.” Let’s call them children. Other countries call them “youth in contact with the law” or something similar. There are ways to appropriately hold children accountable. The understanding of what is appropriate is relative, but we need these understandings to be common and shared.
- There are lots of expectations on kids to execute certain things/plans/treatments. This seems unrealistic and one-sided with a lot of responsibility on the children, not the parents. This is a systemic issue, and it is difficult to get to the root of the problems. The brain of an 11-year-old is not developed and can't make decisions like an older person. This is frustrating to see and is probably going to keep failing until it changes. These kids may be a part of other systems like child welfare. There are lots of things going on in their lives. Even 19-year-olds do not make great decisions sometimes.
- We should approach it as what happened to the child instead of what is wrong. This involves looking at preventative factors, using a holistic approach, and looking at the whole family. Then, we can look for the real root of such behaviors. When change does happen, institutionalizing these changes is important. We need to make the mindset common, shared, institutionalized.
- Looking at protective factors and getting out of a traditional framework is important. We have never been able to get resources to natural supports that make the difference like recreation. We need funding for these things. We need to look at basics, like recreation and hanging with friends—the things that helped us as kids.
- We need to connect evidence-based practices to policy and programming. There is still a huge gap.
- Society is starting to understand how we can't separate these things: mental health, substance use, and criminal delinquency, among other things. These all mesh as we uncover the trauma-informed care. There are reasons why kids behave this way. People are not being trained properly to execute these things. Criminal justice majors are not trained in psychology, therapy, etc. There is a punitive way of thinking with criminal justice, but we need a therapeutic approach. It is difficult to connect these two forms of thought with policy and programming.
- We need to focus on treating kids within these facilities as kids, and not as inmates.
- When we think about youth in the facilities, most of the juvenile justice facilities, in many cases, are part of an adult correctional system. Due to this, there is still an adult prison culture. Facilities are just too overly “prison-like,” and it builds a correctional mentality and culture behind it. The goal is to make these facilities more educational and focus on more youth



advocacy. Even the way that staff are dressed is important. Staff should not be dressed in law enforcement attire, per se, and children should not be wearing orange jumpsuits.

- In recent years, DC has started housing incarcerated youth in youth facilities rather than adult jails. However, most of the kids will later serve time in adult prison or have adult probation if they are released into the community. It is important for youth, for kids in contact with the juvenile justice system to have high-quality reentry support. There is a huge disparity between certain kids who are released in youth facilities vs. those who are released in adult ones. There is a huge struggle in reentry for youth in general.
- No matter the age of the youth, the setting should always be in a community-oriented environment. This will lead to the best futures for them and their families. While there are reentry services, there is far more need than there are resources. Need more funding to really help a large population of people.
- First, you must treat the kids as kids. This takes priority. Rooms within facilities should not be locked. Really focusing on how the culture is within the facility is important, even before we think of addressing how to assist kids who reenter in the communities.
- Eliminating the use of school resource officers and decriminalizing things that might lead youth to the juvenile justice system in general.
- I believe child welfare can learn a lot from juvenile justice. I hope child welfare can work with juvenile justice agencies to address social determinants of health.
- While not directly related, an alternative sentencing program along with two other programs facilitated by nonprofits align with OJJDP priorities. The alternative sentencing program utilizes a multiple disciplinary approach working with the [local attorney], public defense services, pre-trial services, the jail, juvenile probation, adult probation, and community mental health and substance abuse providers. The research partner will evaluate whether the program saves money, keeps parents out of jail, and children out of foster care. Parents are referred to the program during the pre-trial phase, to one of several evidence-based programs (trust-based relational intervention, seeking safety, parenting inside and outside). During this phase, pre-trial services and the nonprofit work is needed to determine appropriate services for the family. While this is not focused on juveniles, we anticipate a large proportion of participants will have children involved in the juvenile justice system.
- Working in one of only three states that doesn't have anyone under 18 in jail or prison and has not for over 30 years, we've never had a problem treating kids as kids. I don't understand why this is difficult for other jurisdictions. I don't want anything that looks like corrections—no orange uniforms, no guards—we even have an easter egg hunt, we have a very kid-friendly system.
- I think we need to focus on brain development and separate normal adolescent behaviors from criminal behaviors, as well as take a trauma-informed care approach to how we treat youth. For example, I know of cases where children have been retrained and, during that process, touch an officer, which results in assault on officer criminal charges.

## 2. What are some challenges the field is currently facing when trying to treat children as children?

- Staffing issues are a big challenge because we can't have solid programs without enough staff. We need to focus on getting people into a facility who are willing to work with the kids.



- Staffing is challenging nationwide. An element of security and safety needs to be there. Being short of staff makes it tricky, and new staff have to know how to approach helping kids. We need seasoned staff who want to treat kids as kids.
- Another challenge is the lack of confidence in the ability to use alternatives to adequately protect the community from harm in the case of extremely violent crime.
- Another challenge is that we need lots of skilled people. Seasoned staff can bring the needed skills. The rotating and turnover of staff means you can't have the connections you need. These are high-liability, high-risk situations. There is no incentive to put yourself in those situations. The pandemic is exacerbating these issues.
- There is no protection to go to the depths that is needed to address these issues. Seasoned staff are needed, but they aren't going to pay what seasoned staff would demand.
- There is also a lot of stress on staff, including the vicarious trauma they feel. We need resources to help them debrief from the trauma they help. Available staffing issues can set kids up for hazard. Caseloads might need to change as each requires different attention. Youth can go from "0 to 100" in classrooms as social media has influenced them. We need to be mindful of all types of issues.
- With a background in law enforcement, there are currently not many alternatives for kids that pose a threat to the community. These are a small percentage of cases, but what do we do about them? There is not a high level of confidence that there are effective alternatives for these cases. How do we treat them as kids? This may be a marketing issue, but it is still important to face. The media reports convey that lots of kids are violent or causing issues for their communities. Everyone thinks child violent crime is higher, but this is not the case. Those are the kids that need us the most.
- Not only showing effective alternatives, but also showing the damage being done by handling these cases as we are today is important. There is a lot of data and research to show the damage. Gang-involved youth are more likely to continue involvement in the system. Lots of communities don't have alternatives for any cases. We need to get better at handling less serious matters so that we can be better at handling more serious matters. Law enforcement and prosecutors just want to protect the community, so we need to show them the other ways to do so.
- Long waiting lists for mental health treatment and support.
- I would also say a lack of access to mental health services, in [my county], there are no in-patient beds for youth. The detention facility is run like an adult facility. The lights are kept on and the furniture is the same as that in adult facilities. In addition, we have youth from neighboring states who do not qualify for services. I was told that is a federal issue, but we see a lot of crossover. Lately, I have seen a lot of children staying in detention because their parents do not want them at home. Parents need to work with juvenile probation to solve this issue.
- Youth are being housed in solitary confinement. Even with legal and policy changes, we still see youth in solitary confinement.

**3. The Juvenile Justice and Delinquency Prevention Act (JJDP) establishes four core requirements: (1) the deinstitutionalization of status offenders; (2) separation of youth from adults in secure facilities; (3) removal of youth from adult jails and lockups; and (4) reducing racial and ethnic disparities.**



- a. **What goals do you recommend OJJDP set for the jail removal requirement (which states must follow if they want to participate in the Title II Formula Grants Program)? (For example, zero youth in adult jails.)**
- i. **How can we get to that goal collectively?**
  - ii. **What are states doing to get there and how can OJJDP advance that goal?**
- Separate kids from adults in the justice system. Adult jails are not suitable for adults, let alone kids.
  - Obtain information from the national level and focus on this issue.
  - In Florida, at least in some jurisdictions, they use Juvenile Assessment Centers rather than adult detention facilities. When this is done correctly, this is a great way to conduct assessments and begin intervention services. However, these centers are not adequately funded.
  - Lots of these issues are tied to funding. To help, we need to be more creative about funding within the parameters. At the local level, look at how to effectively fund different organizations and agencies.
  - Often youth are housed in adult facilities, and they are put in solitary confinement as a protective measure. This form of custody doesn't mirror the general population. These youth are being punished by no fault of their own, and I think we need to remember this is harmful for children.
  - Zero youth in adult facilities should be the goal. We removed youth from adult facilities 30 years ago. I don't see a reason why other states can't do the same.
  - The biggest issue I see is money; it's more expensive to house youth in juvenile facilities. The other is wanting to appear tough on youth by sending them to adult jail. Both are difficult obstacles to overcome.
  - I think we have an opportunity with [OJJDP leadership] to move the dial beyond where we have ever been, by thinking outside the box. One thing OJJDP could do is publicly denounce certain practices and encourage other federal and state agencies to do the same; really pushing corrections folks on the work to get youth out of adult facilities. I think this would give other agencies some political cover.
  - I would like to see a task force like [Obama's \[21<sup>st</sup> Century\] Policing Task Force](#). I think arcane ideas of corrections are holding people back from seeing change. While a public denouncement is a good idea, it would be helpful to have it supported with evidence-based practices that will provide additional community buy-in. The communities need to be incentivized to change the system. A task force that looks at alternatives to youth incarceration is a start—and talking about them as youth not juveniles.
  - Increase non-system responses, provide technical assistance; corrections agencies aren't good at thinking outside of the box.
  - There needs to be more resources to keep youth in the community, and alternative spaces that are not halfway houses but focus on restoration and intentionally think about how to create stable spaces in the community.
  - I had no idea about the four core values. It might be helpful to educate community providers so that we can hold our elected official accountable.



**b. Can we undertake any work with partners like the National Sheriffs' Association, the American Jail Association, or others to help reach the specified goals?**

- We need to change the narrative around justice-involved youth; there is so much vilification of normal adolescent behavior. The language used by both criminal justice stakeholders and community members needs to change. Georgetown University's juvenile law [clinic](#) and the [National Juvenile Defender Center](#) (a.k.a. the Gault Center) are good resources.
- Working more closely with National Sheriff's Associations, Gault Center, Georgetown Law, and Johns Hopkins, by providing presentations, information, etc., to organizations.
- Connecting community programs to funding opportunities. In addition to implementation, evaluating performance to ensure programs are utilizing evidence-based programs with continued model fidelity.

**c. What challenges, if any, do you anticipate facing as a result of the pandemic when enforcing the jail removal requirement to remove juveniles from adult jails and lockups?**

- It's been challenging to monitor what is happening. People are being isolated because they are suspected of having COVID and are put in solitary confinement. Facilities need to follow CDC guidelines and use medical isolation, not solitary confinement.
- Thinking about aftereffects of COVID, schools are struggling with attendance. Here, some have stayed closed longer and are having trouble getting kids getting back enrolled.

*General commentary from this segment:*

- I agree with removing youth from adult facilities but there isn't an alternative. Law enforcement and corrections need an alternative explained to them. I have had these conversations with corrections and law enforcement agencies, but they get hung up on, What is the alternative?
- There needs to be a structure in place to address changes.
- Participants reiterated that you should treat kids the way you want your own kids to be treated.
- Participants also expressed that even though jobs within this field are high stress and high risk, the salary is too low to fairly compensate individuals.

**4. What goals and objectives do you recommend OJJDP set for treating children as children?**

**a. What can OJJDP do to support these goals?**

- Without money, it is a challenge. We need to give more funding to arts education and mental health resources in facilities and communities. Current facilities don't have the resources to address this.
- We need capacity building for organizations, education for evidence-based practices, and adequate time to build the foundation for their program/initiative for a strong start and long-term practices. We need to create protective safety nets for youth, even if they are in detention or have been detained. Reentry resources/grants for children are also important. We need someone to walk them through reentry in order to be successful.
- We need higher salaries to hire more staff with more qualifications who are equipped and cross-trained to handle the frontline issues and lower caseloads. Their salaries are similar to teachers' salaries as they are not getting paid enough for their important work. We need resources for



these people working these jobs, such as resources to address the trauma they experience in their work.

- I know a lot of people (myself included) who have tons of working knowledge but are overwhelmed with the expectations, secondary trauma, and lack of support.

## 5. What can OJJDP do to advance this key priority through the kinds of strategies and activities it undertakes?

- “Evidence-based programs” are not effective if in carceral settings that are deeply harmful environments. We don’t need to put kids in prison for long periods of time for serious crimes—the longer, the worse outcomes we have. It really shouldn’t be about time in prison, but what we do with people when they are in.
- One thing—no matter what the path—we need to empower the youth voice. We always think we know best, but whatever—we get the youth voice because it’s happening to them and it’s about them.
- Trauma—driving that home to the larger community—and racial trauma, including youth responses to law enforcement and in facilities related to racial trauma.
- I am still learning more about OJJDP. The name makes me think about prevention today—focused on keeping kids out of jail/prison. But I am thinking about the relationship between education and criminal justice involvement; working with families where attendance is a problem.
- I agree we should be working hard on prevention. What we saw in [location], was lots of school fights, not remembering how to behave, school administration not knowing what to do. The police have a hammer and everything is a nail, so we should get into the prevention game, fund strategies for youth. One example is the [Juvenile Justice Jeopardy](#) game, there is a school and street version, the organization comes to the community and develops the game with community stakeholders. It costs \$50,000. I’m trying to get funding from local government; federal funding would be helpful. This program has been evaluated by Johns Hopkins.
- Alternatives to school suspension would be helpful.
- Incorporating youth voice more would be helpful.

### a. What policies, guidance, or communication would be helpful for OJJDP to develop to support the priority of treating children as children?

- Need to focus on youth who have been charged with the most serious crimes and look at effective alternatives that we can point to. A key one would be restorative justice programming.
- Emotional wellness for the youth and find someone who can relate to the kids as mentors.
- Provide space for the kids where they feel comfortable going somewhere and opening up and sharing what is going on in their life.
- OJJDP can also look into supporting those who have experienced trauma as it is infused in all agencies.
- Important for OJJDP to be partnered with organizations that are focused on this work to closely understand what is happening within the field.



**b. What ideas do you have for pilot programs OJJDP could implement that align with this priority?**

- Reentry programs. We tend to not have the pieces in place for youth to be incorporated back into the community. There needs to be clear guidance on how youth can transition out.
- There needs to be a focus on parental connection. A lot goes in these households and that connection with parents and kids should be a priority too. As the youth is joining these reentry programs, that parent can also be involved in the entire process.

**c. What types of trainings or webinars would it be helpful for OJJDP to develop on the topic of treating children as children?**

- Would like to see webinars led by those who are working within the field on what they think is the most effective. Having those who have experienced youth incarceration firsthand would be great to see and getting their feedback and insights on how to improve systems.
- Role of gangs is often misunderstood. Need to focus on destructive behavior and why it's happening as opposed to calling on kids to denounce those they know and love.

**6. How can OJJDP support better cross-system collaboration to lead to improved treatment of children as children?**

- The lead should focus on community and healing, instead of law enforcement agencies. What can we do to elevate experts in treatment and rehabilitation? This will drive a culture change that emphasizes health and healing.
- People that know better stay quiet because they don't want to argue. Need to empower educators in this field.
- In western states, there is an idea that healing and treatment can occur in harmful and toxic environments, but I'm not sure how true that can be. For something to truly be evidence based, it needs to account for the modality of how a young person is being treated. Need to move away from the idea that maximum security can offer evidence-based treatment when the treatment itself is in a harmful environment.
- Time is always a function of punishment so youth can "learn their lesson." We need to instead look at treatment time and not length of time of incarceration. The quality of the treatment and not length of the treatment is what will drive positive outcomes.

**7. What additional ideas or recommendations do you think OJJDP should consider for the upcoming fiscal year?**

- Helpful to have economic benefits of keeping kids out of the adult system.

**8. What questions do you have?**

- This is not a policy-driven question, but I'm interested in hearing more insight on youth reentry. What is missing in the reentry process? From a practical approach, what are specific action steps that need focused attention?
  - Participants shared:
    - Programming in DC jails and juvenile justice facilities is focused on building community and self-efficacy and practical reading and writing skills. The





program does a long-distance correspondence program as well. It's not solely youth, as there is no end date for those who start the program. The reentry program is intergenerational in that respect. Individuals who have gone through organizations' programs have been honest on how to improve them.

**Facilitator question: What additional types of policies or guidance would you recommend OJJDP focus on?**

- Training of staff working with youth is incredibly important. Training the staff in a different fashion where we emphasize treating children as children.
- Get rid of probation and substitute it with something else that focuses on emotional wellbeing or communication-based therapy.