



38th Wisconsin Family Impact Seminar

January 29, 2020

Strategies to Divert Adolescents with Behavioral Health Needs from the Juvenile Justice System

Executive Summary

State policymakers around the country are reassessing their juvenile justice systems to better meet multiple goals: fiscal responsibility, public safety, holding youth appropriately accountable, and improved outcomes for youth and their families. There is a growing interest in diverting low-risk adolescents with behavioral health needs (e.g., mental health condition, substance use disorder) from entering the justice system and connecting them as soon as possible with community-based services and family-based treatment.

This executive summary outlines key research findings and policy options presented at the Family Impact Seminar held January 29. The presenters reviewed the research on adolescent development, unpacked the relationship between behavioral health problems and involvement in crime, and discussed evidence-informed approaches to keep youth with behavioral health needs out of the juvenile justice system.

How do adolescents' brains and behaviors differ from adults'? Adolescents are distinctly different from adults, both in their behaviors and on brain scans, according to **Edward Mulvey**, Professor of Psychiatry and Director of the Law and Psychiatry Program at the University of Pittsburgh School of Medicine. Research shows that compared to adults, adolescents are less likely to make good decisions in emotionally charged situations, more likely to seek out new experiences, more sensitive to outside influences such as peers, and less likely to see the future consequences of their current actions.

Adolescents' brains and behaviors continue to mature into their early to mid-20s. Consistent with these changes, the majority of adolescent offenders naturally stop offending as they age, even in the absence of interventions such as placement in a secure correctional facility.

What is the link between behavioral health and offending?

Youth offenders have a higher rate of behavioral health problems than the general youth population. Perhaps surprisingly, mental health problems rarely cause crime. Substance use disorders, however, are more closely related to offending, but few youth receive treatment. **Evan Elkin**, National Executive Director of Reclaiming Futures, reported that only 21% of youth receive mental health or substance use treatment services before they enter detention or incarceration, and one-third (33%) receive services while detained or incarcerated.

What role can schools play in connecting youth at risk of justice-system involvement with treatment and supports?

When youth with behavioral health conditions act out in school, they are at risk of expulsion, suspension, or arrest. **Karli Keator**, Vice President of Policy Research Associates and Director of the National Center for Youth Opportunity and Justice, discussed the School Responder Model (SRM), an evidence-based intervention in which trained "responders" work with other school personnel to identify youths' behavioral health needs. In collaboration with community partners, school responders then connect youth and their families to treatment and case management services rather than law enforcement. Between 2010 and 2018, Connecticut's SRM program reduced school-based court referrals by 34% and connected 47% more students with behavioral health services.

There are two critical aspects of any effort to create alternative pathways for youth with behavioral health needs. First, school, law enforcement, and community-based professionals need training on adolescent development, the impact of trauma, and evidence-informed interventions. Second, families must be an integral part of the planning and implementation of programs, and programs must build on families' strengths.

Using research to build better public policy for families

The Wisconsin Family Impact Seminars are an initiative of the UW–Madison La Follette School of Public Affairs, with generous financial support from the UW–Madison Chancellor's Office and Phyllis M. Northway Fund.

How can we create off-ramps to community-based services for youth already in the system? Mr. Elkin outlined Reclaiming Futures' six-step model that helps states and communities better respond to youth with substance use disorders diverted from the justice system. Using Reclaiming Futures' model, community teams comprised of representatives from many systems identify gaps in their screening and assessment protocols and weak points in the treatment service delivery system. These teams track youth closely throughout the system to ensure they are regularly screened and assessed, matched with appropriate supports and services in a timely manner, and participating in (and benefitting from) those services.

What role does prevention play, and is it enough? Adverse childhood experiences can have lasting effects throughout a person's life, according to research discussed at the previous Family Impact Seminar, "Building Strong Wisconsin Families: Evidence-Based Approaches to Address Toxic Stress in Children." Evidence-based services and supports such as home visiting can protect children against toxic stress, prevent future criminal activity, and improve parents' skills and well-being. However, Professor Mulvey states that, "Investing in juvenile justice reform is like developing a stock portfolio; it requires investing in initiatives at every decision point." Although prevention is effective, some youth will still proceed along the justice pathway and their needs will have to be addressed by the juvenile justice system.

As presented in the last chapter of the seminar report, Wisconsin state agencies offer an array of prevention programs and interventions that divert youth from the juvenile justice system, or broadly address youth with behavioral health conditions who might be at risk of referral to the justice system.

Which policy options can support youth who are at risk of justice-system involvement or have already stepped on the justice pathway? The seminar speakers presented a variety of policy options for legislators and other state policymakers, including:

- **Clarify state school discipline policies** to avoid inconsistent interpretations between schools and districts, which increases referrals to the justice system.
- **Reconsider zero tolerance policies** in favor of screening all youth and matching them with services.
- **Systematically monitor adolescents** as they enter the justice system and proceed through programs so that youth with behavioral health conditions or other risk factors are identified and connected with services that are well-matched to their needs.
- **Remove barriers to cross-system collaboration** among law enforcement, courts, local and state government, schools, community organizations, and treatment providers. Cross-system collaboration is essential for effective screening, case planning, and treatment of youth, and requires robust evaluation to guide program improvements and funding decisions.
- **Prioritize support and funding for school- and community-based efforts** that meaningfully involve families in planning and implementation, such as parent peer mentors.

Policymakers now have the opportunity to ask questions such as: Which programs or approaches currently operating or under consideration have a strong family-engagement component? How can cross-system collaboration be strengthened at the state and community level, particularly by involving youth and families? Which policy decisions can ensure that the *right* services are delivered to the *right* youth (based on their risks and needs) at the *right* time to change the trajectory of Wisconsin youth with behavioral health needs?

Seminar Presenters and Moderator

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Since 1993, the Wisconsin Family Impact Seminars have connected state policymakers with objective, high-quality research on timely issues such as childhood adversity, homelessness, foster care, and economic development. The seminars aim to (a) promote the use of research in policy decisions; (b) encourage policymakers to examine policies and programs through a family impact lens; and (c) provide neutral, nonpartisan opportunities for legislators to engage in open dialogue and find common ground.

Visit our website (www.wisfamilyimpact.org) for audio and video of more than 100 speakers, 38 briefing reports, and other resources. The information in this summary was taken from the presentations and briefing report for the 38th seminar. The full report, as well as the speakers' presentations, can be downloaded from our website. Hard copies of the report and handouts are available to state legislators at no charge by contacting Heidi Normandin, Director of the Family Impact Seminars, at (608) 263-2353 or hjnorman@wisc.edu.