

A graphic of white paper figures holding hands in a circle, set against a blue background with a subtle grid pattern. The figures are arranged in two rows, with the top row slightly offset from the bottom row.

# OJJDP FAMILY LISTENING SESSIONS

## EXECUTIVE SUMMARY

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The Office of Juvenile Justice and Delinquency Prevention is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance; the Bureau of Justice Statistics; the National Institute of Justice; the Office for Victims of Crime; and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking.



**OJJDP**  
**FAMILY LISTENING SESSIONS**

**EXECUTIVE SUMMARY**

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# Foreword

From March through July 2011, the Office of Juvenile Justice and Delinquency Prevention (OJJDP), in collaboration with the Campaign for Youth Justice and the Education Development Center, convened four listening sessions with families and youth who had direct experiences with the juvenile justice system at the local and state levels. The discussions focused on four broad topic areas: the expectations and the reality of families' first encounters with the juvenile justice system, whether the youth's needs were met during the period of confinement, how the family was treated and served while their child was confined, and the availability of aftercare services. This report presents a summary of the participants' experiences and the many insightful recommendations for reform that they shared during the listening sessions.

Many parents and guardians shared that their children exhibited early warning signs, such as truancy, a drop in grades, and evidence of mental health problems before their first detention and recommended that these warning signs serve as critical prevention and/or intervention points for youth. Other common themes raised by participants included the need for access to information regarding legal rights and representation, visitation, allowable medical supplies or treatments, and opportunities for continued education; and the importance of effective aftercare services, which help youth transition successfully back into the community and decrease the likelihood of recidivism.

Senior leadership from OJJDP attended the sessions to hear the poignant and powerful testimonies directly from the families about the best and worst practices of the juvenile justice system. OJJDP will use the information from these sessions to strengthen policies and activities, such as grant-making and technical assistance, and to inform guidance to jurisdictions interested in partnering with youth and families to improve their experiences with the juvenile justice system.

In addition to these listening sessions, OJJDP is undertaking further efforts to enhance youth's and families' experiences with the juvenile justice system. These efforts include staff development and training, presentations before key stakeholder groups (such as the Coordinating Council on Juvenile Justice and Delinquency Prevention), and inclusion of family members on specific working groups and committees to ensure that all system reform efforts include the genuine voices of youth and families.

OJJDP hopes that the information the listening session participants provided will serve as a springboard for federal leaders and policymakers to influence positive changes in the juvenile justice system nationwide.

**Robert L. Listenbee**  
**Administrator**  
**Office of Juvenile Justice and Delinquency Prevention**



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# Overview

During the spring and summer of 2011, the Office of Juvenile Justice and Delinquency Prevention (OJJDP), in collaboration with the Campaign for Youth Justice (CFYJ), convened four listening sessions to provide OJJDP, state juvenile justice agencies, and other stakeholders with a greater understanding of the challenges families face when their child becomes involved in the juvenile or criminal justice system.

**Table 1: OJJDP Listening Sessions—Logistical Details**

Date of Session	Session Facilitator	Location of Session	No. of Participating Families	Summary of Session
March 29, 2011	Sue Hoag-Badeau Office of Juvenile Justice and Delinquency Prevention	New Orleans, LA	7	Chapter 1
April 27, 2011	Jessica Sandoval Campaign for Youth Justice	Washington, DC	9	Chapter 2
June 15, 2011	Jessica Sandoval Campaign for Youth Justice	Washington, DC	8	Chapter 3
July 26, 2011	Dave Brave Heart Education Development Center	Santa Fe, NM	8	Chapter 4

Previously incarcerated youth and family members of confined youth shared their firsthand experiences and recommendations for improving the system. (Note: The word “system” is used synonymously for the terms “juvenile justice system” and “criminal justice system” throughout this report.)

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## Format of the Listening Sessions

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The facilitators followed similar formats across the sessions, which included brief introductions by the family members, OJJDP, and other listeners present. The facilitators assured the families that their names and other identifying information would remain confidential. They framed the questions in a manner that objectively directed the family members without impeding the sharing of information. The facilitators requested succinct responses from the families so all members would have an opportunity to share within the timeframe for the session.

The following four topic areas were introduced to the families for discussion based on these general questions:

1. What was your first involvement with the system?

2. What was your child’s experience with the system? Were all of your needs met?
3. What was your family’s experience with the system? Were your needs met and your rights respected?
4. Was there aftercare; i.e., what happened when your child was no longer in the system? Did your child receive support?

The facilitators asked additional questions within each topic area to clarify the kinds of responses that they considered appropriate and to stimulate the discussion. The full list of questions appears in appendix A.

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## Participants

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Racially and ethnically diverse families of varying socioeconomic backgrounds participated in the listening sessions. Collectively, the participants represented a geographically dispersed group from locations across the United States, as shown in table 2.

**Table 2: States Represented by Family Participants**

• Arizona	• Maryland	• Nevada	• South Carolina
• Colorado	• Minnesota	• New Mexico	• South Dakota
• Illinois	• Mississippi	• Oklahoma	• Virginia
• Louisiana	• Missouri	• Pennsylvania	• Wisconsin

The participants represented a cross-sampling of jurisdictions and juvenile and criminal justice systems across the United States and comprised the following three groups:

- Male and female teens currently in the system.
- Male and female teens and young adults previously involved in the system.
- Primary caregivers; i.e., parents, grandparents, guardians, and foster parents of youth involved in the system.

Identities of the family participants have been kept confidential. Contact information for participants from the organizing agencies, where available, is provided in appendix B.

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## Common Themes and Reflections

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Participants in the listening sessions highlighted common themes and recommended improvements for the criminal and juvenile justice systems. The themes identified across the four listening sessions were:

- Early warning signs were prevalent and should serve as critical prevention/intervention points for at-risk youth.
- Lack of and inadequate communication and information from those working in the system are widespread issues that are major sources of frustration for families trying to navigate the system for the first time.
- Family members commonly felt shame and guilt as a result of their treatment by law enforcement and other system officials. They were made to feel as if they were not good parents because their children had gotten into trouble.
- When family members were included or consulted, it made a difference for the youth involved in the system.
- When family members engaged with system representatives, it was often because of the perseverance of family members and, at times, in spite of system officials.

### *Themes Based on the Families' First Involvement With the System*

#### **Use Critical Access Points for Prevention and Intervention**

The families in all of the listening sessions identified three key indicators that preceded their children's entry into the system, which should serve as effective and critical access points for prevention and/or intervention of risky behaviors that may lead to detention.

- Youth in elementary and middle school consistently exhibited early warning signs of at-risk behaviors before their first detention. Behaviors included truancy, a drop in grades, and evidence of mental health issues. Families believe that the school system is a critical access point for teachers, school counselors, and school resource officers to intervene, which schools can and should better support and encourage.
- Schools, school resource officers, and law enforcement should consider truancy a symptom of youth heading for trouble rather than an enforceable offense. During the listening session with tribal families, for example, many youth described episodes of dealing with discrimination and bullying in school as reasons for their truancy (see chapter 4).

- School systems should recognize mental health disorders in youth (e.g., depression, attention-deficit/hyperactivity disorder, bipolar disorder, and general anxiety disorder) as treatable medical issues that are often the root cause of impulsive behaviors that lead to trouble. Stronger support systems in and outside of the school system that respond to these behaviors more appropriately could do more to successfully intervene with at-risk youth and prevent more serious involvement with the justice system. School systems need to do more to incorporate alternative learning methods for these youth. Participants felt that Section 504 Plans and Individualized Education Plans (IEPs) are often ineffective, unattainable, or inconsistently executed.

### **Improve Communications and Access to Information**

Most parents and guardians of youth entering the system for the first time had no access to information about policies for visitation, legal rights or representation, allowable medical supplies or treatments, and opportunities for continued education. Improved communication on the basics is needed, including:

- Who can visit and when.
- What to expect at each stage of system involvement from entry to transition.
- Immediate notification when a child is transferred to a new detention facility or hospital for treatment.
- Information in an easily accessible format (verbally and in writing).
- Issues of cultural sensitivity in the courtroom where families may be unfamiliar with legal terminology and too intimidated to ask questions.

### **Demonstrate Support for Parents/Guardians**

Uniformly, participants experienced feelings of shame and guilt when their children entered the system. Families expressed a need for schools and juvenile justice systems to support them during this critical juncture rather than implying they deserve blame for their children's mistakes. Families firmly believed that members of the school and justice systems should partner with parents in an effort to rehabilitate their children.

### ***Themes Based on Their Children's Experiences With the System***

The outcomes varied because children were placed in different systems—adult prison, juvenile detention, and intensive probation. The recommendations are categorized by each system type.

### **Remove Children From Adult Jails and Prisons**

A unanimous theme from parents of youth incarcerated as adults was that children should never be detained with adults under any circumstances. Participants reported that inmates and prison

guards victimized their children and parents lost all of their parental rights to affect decisions about their children once they entered the system. The solution implemented to assure the safety of youth imprisoned in adult facilities—placing the youth in solitary confinement—often had detrimental psychological effects. The participants reported that adult prisons do not offer adequate health care or educational opportunities for youth unless parents pay for these services.

### **Better Support for Rehabilitation by Juvenile Detention Systems**

Experiences within the juvenile detention system seemed to vary from jurisdiction to jurisdiction. Positive experiences usually resulted from parents seeking and cultivating allies within the system, which could be inconsistent, time consuming, and often emotionally draining. Participants repeatedly cited continued education while in the system as critical to youth and parents. They also identified improved treatment of health care issues, including mental health disorders, as an urgent concern. Parents also identified safety as a high priority issue, especially when children detained for minor, nonviolent offenses were integrated with youth incarcerated for more serious offenses.

Family members reported positive outcomes when their children were involved with alternative and/or community-based programs, such as the Bridge City Program (see sidebar on page 4). Support programs for parents at the detention or training facility are highly recommended and would also improve the communication issues cited earlier. Family members also agreed that effective, evidence-based programs should be duplicated in every state. The Missouri Model was cited as an example (see page 5).

### **More Flexibility in Intensive Probation**

The intensive probation system was referenced only during the Family Listening Session for Tribal Youth (see chapter 4). Because of the intense demands placed on the youth and families in this type of community-based system, families suggested lessening the requirements probation officers imposed during their unscheduled home visits. Parents found the requirements of intensive probation, coupled with their normal daily responsibilities, to be overwhelming and felt that they, too, were on probation with their children as a result. Parents and guardians also felt strongly that more support programs and classes for the parents would benefit families.

## ***Themes Based on the Families' Experiences With the System***

In addition to the themes in the previous sections, families from all of the sessions confirmed that the following system improvements are needed.

### **Remove Visitation Barriers**

Ensuring that family members have access to children in the system is vital. Withholding visitation rights as a form of punishment for the child, which also punishes parents, should be abolished. Better communication between system officials and family members and an improved quality of information for parents about visitation schedules, policies, and procedures should be a

priority. Participants also recommended that system officials should work with families (to make it easier on families by providing flexibility in visiting hours, and/or transportation, or travel subsidies) when children are in facilities that require several hours of travel for families who have no transportation or time available to make the trip.

### **Mandatory Communication With Parents**

In certain circumstances, this was the most frequent and widespread issue identified. Specifically, participants called for ample notification of trial dates or plea bargains to allow sufficient time to seek appropriate counsel and guidance and for contacting and alerting parents when their child is moved to a new facility or a hospital for treatment. Family members also commented that this meant system officials must adhere to and enforce communication policies already in place.

### ***Themes Based on the Families' Experiences With Aftercare Support and Reentry Programs***

The following themes reflected family experiences with their child's ability to successfully reenter his or her home, school, and community environments based on the system's aftercare support and programs. All participants agreed that effective preparation and reentry programs are essential for a successful transition, which in turn reduces recidivism.

### **Individualize Aftercare and Treatment Plans**

Participants felt that probation services are inadequate and often not tailored to meet the needs of the specific child. They suggested that services that successfully address the full range of issues and needs—education, mental health, substance abuse, and other factors—would make their children better able to transition successfully back into the community and decrease the likelihood they would reoffend.

### **More Support for Parents**

Across the board, participants called for more and better support programs for parents so they are better equipped to help their children survive their time in the system and get the help they need to get back on the right track.

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## **Summary of Remarks by OJJDP**

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Senior leaders from OJJDP were present at each session to hear the testimonies of the families and provide updates on policies and legislation being enacted to change the juvenile justice system at every governmental level. The following is a summary of their remarks:

Jeff Slowikowski, currently Associate Administrator, Youth Development, Prevention, and Safety Division (then-Acting Administrator), OJJDP, informed family members that although

juvenile justice systems are state based, the federal government can provide evidence-based information to the states and urge them to implement effective programs. He mentioned that inroads that the Juvenile Justice and Delinquency Prevention Act has made have helped improve the system, but acknowledged greater work is still ahead. After hearing directly from children and families about the widespread problems within the juvenile justice and other systems, Mr. Slowikowski stressed the need for more information and research that directly points to best practices.

Melodee Hanes, currently Principal Deputy Administrator (then-Acting Deputy Administrator for Policy), OJJDP, thanked the families for sharing their painful experiences and wanted to bring them some hope based on what OJJDP is currently trying to achieve. Ms. Hanes stated that one of OJJDP's roles is to provide states funding to help change the way children are adjudicated through the system. She emphasized that the Administration has encouraged states to endorse the belief that children should not be incarcerated for minor offenses such as truancy; community-based approaches are better options for these youth. Ms. Hanes further stated that although states have their own laws and the federal government cannot mandate what they do, OJJDP can provide incentives with its funding authority.





# Chapter 1. Family Listening Session: March 29, 2011

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## Overview

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The family listening sessions were a result of a partnership between the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the Center for Youth Justice. The goal of these sessions was to allow OJJDP to learn firsthand about the experiences of system-involved families and to explore ways to improve family engagement to ensure better outcomes for children and youth. OJJDP convened the first of four sessions in New Orleans, LA, on March 29, 2011. The Families and Friends of Louisiana's Incarcerated Children (FFLIC) collaborated with OJJDP to select and invite specific families to share their experiences because they have or have had a child involved in the system.

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## Session Format

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The session began with brief introductions by family members and staff from OJJDP and FFLIC. Session facilitators assured family participants that no names or other identifying information would be used outside the room or in the summary report. Family members were asked to respect that confidentiality in regard to others in the room. Further, family members were advised that the session would be recorded for note-taking purposes only and that OJJDP would be producing a document in association with this listening session.

In the interests of time and brevity, facilitators framed questions in a manner that objectively directed the family members without impeding the sharing of information regardless of its relevance to the questions posed. The session's success was contingent on all of the family members being afforded an opportunity to share their experiences. In turn, they were asked to provide direct, succinct responses.

The full list of questions, found in appendix A, served as background information and as a tool to clarify comments shared throughout this report and to inform and guide the questions posed to family members during the family listening session.

Below is a summary of the participants' responses.

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## Questions and Responses

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### *Question 1—Involvement With the System*

**Think about when your child and your family first got involved with the system. What did you expect it to be like and how was it different?**

The families identified several issues related to their first involvement with the system, which included:

- Lack of access to counsel.
- No available prevention/intervention services for children’s issues before they enter the system.
- Issues with unsafe housing.
- Inadequate health care and nutritious food.

#### **Lack of Access to Counsel**

Parents were called when their children were first arrested. They often had to make difficult decisions on the spot without the benefit of counsel to advise them whether their child should cooperate with law enforcement. It became the parents’ responsibility to tell their children what to do, and they ended up being the de facto counsel. This arrangement often led to an uninformed waiver of the child’s Fifth Amendment protections against self-incrimination.

#### **No Available Prevention/Intervention Services**

Parents described scenarios in which their children started to have behavioral or mental health issues at home or school; however, they were unable to find resources or support in the community prior to their children’s entry into the system. It was not until the child became involved in the system that they received the help they were hoping for or expecting. Parents also talked about failures in the schools and the lack of community response to issues such as truancy, which are considered as “pipelines” to detention.

Parents stated that alternative high schools are nothing more than a dumping ground for the “bad kids” and a pipeline to detention or adult jail. Parents referred to them as holding facilities for jail and perceived the teachers assigned to teach at the alternative schools as the worst of the worst. They shared that there is a stigma associated with these schools; therefore, placement in such a school is humiliating to children.

## Unsafe Housing

One mother described the housing where her son was detained as being very unsafe, reporting that every time she visited him, he had new unexplained bruises.

## Inadequate Health Care and Nutritious Food

Parents reported that they had to bring medication for their children to the facility, as well as fresh fruit and vegetables because of the “food situation” and lack of attention to health needs. One mother stated that she had to go to the facility every day to ensure that her diabetic son got his medications, as the facility was not attending to his medical needs.

## Family In Need of Services Assistance Program

After youth entered the system, they often received help as Family In Need of Services (FINS) petitions instead of getting support as a mode of prevention or intervention prior to their involvement with the system. In addition, parents explained that one FINS violation often lands children in detention. They identified truancy as a pipeline to FINS, and very often to detention, in Orleans Parish.

## Family In Need of Services Assistance Program

The Family In Need of Services (FINS) process begins with a written complaint, submitted to the FINS program office, alleging that a family is in need of services. Anyone may file a complaint; however, it is most common that law enforcement, school officials, and parents make the referrals. Grounds for such a complaint are that a child is truant or has willfully and repeatedly violated lawful school rules, ungovernable, a runaway, or in possession of or consuming intoxicating substances; that the caretaker is contributing to the child's problematic behavior; and/or that the caretaker willfully fails to attend meetings with school officials to discuss the child's problem. Once a complaint is filed, the family is expected to cooperate with efforts to resolve its problems as recommended by FINS. If these recommendations are not followed, FINS may refer the family to court, a FINS conference, and/or a hearing before a judge. If a hearing should happen, each and every member of the family shall be subject to the jurisdiction of the Juvenile Court.

Source: Baton Rouge Government Web site  
[www.brgov.com](http://www.brgov.com)

## Question 2—Services and Meeting Your Child’s Needs

### Did you feel enough attention was paid to your child’s education (and similar questions related to health care, mental health needs, and other needs your child had while in the system)?

Parents felt that little to no attention was paid to their children’s health care. In addition, education and academics were also neglected while their children were in detention. Families also spoke of lack of attention to the previous life trauma and mental health issues that their children had when entering the system. One parent said: “There is no such thing as trauma-informed care in detention.”

Alternatively, three parents whose children are currently detained at the facility for youth called Bridge City Center for Youth had positive comments. The Bridge City facility is a state-run

training school in Jefferson Parish that has been greatly improved in recent years. Three parents had children there, and they all knew of the Missouri Model and said their children were getting good services there. One parent recounted discouraging stories from 2007 when her child was there (he is now deceased). However, the state has made significant changes in personnel and policies and has since adopted a therapeutic-based treatment model similar to the Missouri Model (see page 5 for a description of this model.)

### *Question 3—Family Engagement*

#### **Did you feel you were able to maintain a meaningful relationship with your child while he or she was in the juvenile justice system?**

Parents described many difficulties with visiting schedules, transportation, and other barriers to visitation; however, parents whose children were at the Bridge City Center felt that they were welcome to visit and that the visits were meaningful.

Parents also expressed that they would like to be offered parent support groups at the detention and training school facilities but have been told that support groups cannot be offered because of confidentiality policies.

Parents whose children were not detained at the Bridge City Center reported that they were not included in decisions about their child's services or needs and did not feel respected. Parents of children in the Bridge City Center expressed the opposite was true, and they were very appreciative of the new "family liaison" position at the state office of juvenile justice.

#### **The Bridge City Center for Youth**

The Bridge City Center for Youth is a 132-bed riverside campus, and is no longer considered a correctional facility as part of the reform to stop treating juvenile delinquents the same as adult convicts. Bridge City is one of three state "secure care" centers for juvenile boys. Over six years ago, Louisiana accepted the "Missouri Model" as the answer to juvenile rehabilitation and began using a therapy method of treating juveniles as troubled children rather than as miniature adult convicts held behind razor wire and cell bars. At Bridge City, boys aged 10 to 20 years serve a minimum six-month term given to them by judges across the state. They live in dormitories renamed to recovery code words, such as Serenity, Hope, Pride, and Dignity. They go to school and those with GEDs may enroll in vocational training, such as culinary arts. Team sports, bible study and conflict resolution are part of their daily routines, as well as "restorative justice" projects, such as serving lunches and talking to war veterans in a senior home for former soldiers. Research shows that with the therapeutic model juveniles can be rehabilitated at higher and more permanent rates than adults.

*Source: The Times-Picayune, Feb. 23, 2010*

### *Question 4—Aftercare and Overall Thoughts*

All of the parents wanted transition plans for their children when they are released from the facilities. They were concerned about what to do and how to work with their children to ensure they do not get back into the situation that led to their involvement with the system.

The parents with children at the Bridge City Center talked about specific strategies their children were learning, such as circle time, that they wanted to try to implement at home but felt inadequately prepared or trained to implement those strategies.

One parent was in prison for 21 years; he was released 7 years ago and works full time successfully at FFLIC. He remarked that prison stagnates a person and reentry planning and preparation are critical.

Parents felt that probation services are completely inadequate. In their experiences with probation services, ankle bracelets did not work and probation officers were not engaged. One parent said she “became like a detective on the television show *Cagney and Lacey*.” She followed her son to ensure he stayed out of trouble because he was on FINS probation; she even paid him to stay home.

### *Final Comments, Thoughts, and Reflections*

Participants reported that once youth are in the juvenile justice system, there is little contact, if any, from their court-appointed counsel about their rights and the status of their case. Often the first contact is on the day of the hearing, and the child is advised to take a plea deal. The lack of a jury trial in the juvenile justice system creates ill-informed results.

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## Missouri Practice Model

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The Missouri Model is referenced throughout the listening session. This section provides some background on this practice model as a point of reference.

The state of Missouri has developed the most widely respected juvenile system for rehabilitating youth in residential facilities. It has a low recidivism rate and has received national recognition from *The New York Times* and the Annie E. Casey Foundation. It recently received recognition from Harvard’s Kennedy School of Government and was profiled in Casey’s Kids Count essay, “A Road Map to Juvenile Justice Reform.” *The Baltimore Sun* has also recommended its implementation.

The foundation of the model is an interactive approach between youth, families, treatment center staff, and community staff. It takes a caring, personal approach rather than a correctional approach to treating young people. More specifically, the following are the essential elements that make up the Missouri Model:

- Community services for low-risk youth.
- Comprehensive group rehabilitative services.

- Strong links to family and community.
- Staff counselors provide services and supervision.
- Open-dorm model that promotes a therapeutic approach.
- Seamless transition and postrelease services.

*Note: This content was not delivered during the listening session. It is provided as a reference.*

Sources for this description are 1) Advocates for Children and Youth, [www.acy.org](http://www.acy.org) and 2) an online booklet from the Missouri Division of Youth Services, [www.dss.mo.gov/dys/articles/progservice.pdf](http://www.dss.mo.gov/dys/articles/progservice.pdf).

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## Session Participants

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Identities of the family participants have been kept confidential. Other participants included:

### **Office of Juvenile Justice and Delinquency Prevention**

- Jeff Slowikowski, then-Acting Administrator.
- Melodee Hanes, then-Acting Deputy Administrator for Policy.
- Sue Hoag-Badeau, former Senior Fellow.

### **Families and Friends of Louisiana’s Incarcerated Children**

- Gina Womack, Executive Director.
- Charmaine Washington.
- Crystal Alphonse.
- Ernest Johnson.
- Linda Curry.
- Gilcia Vasquez.
- Sabrina Lewis.

### **Louisiana Office of Juvenile Justice**

- Orlando Martinez, Juvenile Detention Alternatives Initiative Coordinator, Orleans Parish.
- Girard Melancon.
- Donna Bowie, Family Liaison.

Contact information for participants from the organizing agencies, where available, is provided in appendix B.

## Chapter 2. Family Listening Session: April 27, 2011

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### Overview

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On April 27, 2011, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) hosted a family listening session in Washington, DC, with nine family members from Maryland, Virginia, and Pennsylvania. The family members invited to the listening session have or have had a child involved in the juvenile justice system. Organized in collaboration with the Campaign for Youth Justice (CFYJ), the family listening session afforded participants an opportunity to highlight and learn more about the challenges in dealing with the juvenile justice system. Facilitators from OJJDP and CFYJ asked family members to share their experiences, engage in meaningful dialog, and raise issues in a safe environment that encouraged disclosure without compromising confidentiality.

### Session Format

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The format of the session included brief introductions by family members and staff from OJJDP and CFYJ. Session facilitators assured the family participants that no names or other identifying information would be used outside the room. Family members were asked to respect the confidentiality of others in the room. Further, family members were advised that the session would be recorded for note-taking purposes only and that OJJDP would be producing a document in association with this listening session.

In the interests of time and brevity, facilitators framed questions in a manner that objectively directed the family members while allowing the sharing of information regardless of its relevance to the questions posed. The session's success was contingent on all of the family members being afforded an opportunity to share their experiences. In turn, they were asked to provide direct, succinct responses.

The full list of questions, found in appendix A, served as background information and as a tool to clarify comments shared throughout this report and to inform and guide the questions posed to family members during the family listening session.

Below is a summary of the participants' responses.

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## Questions and Responses

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Based on the questions posed, family members provided insight on a range of areas related to their experience with the juvenile justice system, including:

- Prevalence and consequences of disproportionate minority contact with the system.
- Barriers to parental advocacy for children.
- Barriers to maintaining parent-child relationships.
- Barriers to youth obtaining needed services.
- Positive experiences and related factors.

Summaries of the participants' responses and several representative comments follow each of the questions below.

### *Question 1—Involvement With the System*

**Think about when your child and your family first got involved with the system. What did you expect it to be like and how was it different?**

Uniformly, family members reported that they expected better communication with system officials, more information about the process, more and better resources to provide support and guidance, and greater access to their child throughout the process. Several families also cited barriers, including systemic racism and being stereotyped as “bad” parents.

#### **Key Comments/Highlights**

- *I was one of those parents that tried to be proactive. I saw my son getting into trouble and called a friend who worked in the correctional system. I thought that having my friend share the reality of what it would be like for my son if he entered the system would act as a deterrent. Despite my intervention, my son still got into trouble. I often think that it had a lot to do with my lack of presence in my son's life. I was working two, sometimes three jobs to make ends meet.*
- *When we first got involved with the system, the thing that most baffled us was the lack of communication. At no point did anyone in authority tell us what was happening with our child. We were uninformed and didn't know the questions to ask and we didn't know our rights; even worse, we were made to feel like we didn't have any. Our child was transferred from one facility to another, and no one ever told us where they were taking him.*



- *We thought that when our son was sent to detention this might scare him from continuing down the path he was going. Nothing was further from the truth. We saw firsthand the damage that detention did to our son.*
- *When our child entered the system, it was clear to my family that we had already been stigmatized as bad parents, that somehow we were responsible for our child getting involved in the system. This label stayed with us through every step of the process.*
- *The intake process was very confusing to me. The officers could not or would not explain anything. My lack of experience and knowledge led me to make mistakes that negatively impacted my child's outcome in the system.*
- *As a foster care parent, I was treated with zero respect. In addition, my child suffers with mental disabilities and has an IQ of under 60. Because of her mental disability and low IQ, she did not know how to act appropriately and was easily manipulated by the codefendants in her case. If just one official in the system took a look at the overall case, my child's disabilities, and listened to me, they would have understood she was not capable of thinking for herself and maybe could have provided us with ways to address her disability instead of wanting to just charge someone and get rid of the case.*
- *I expected that someone would help us and guide us through the process. As a family, we had no idea what to do and no one seemed to feel it was necessary to tell us.*

## **Question 2—Access to Information**

### **Did you receive any helpful or supportive information?**

Overall, families reported receiving little information, and often, when information was provided, there was no one to help decipher it or help family members use the information to effectively participate in the process or advocate for their child. The families recommended that system officials at all levels should be required and empowered to provide resources and information that are relevant to the needs of the family and the youth involved. Information should be provided in an easily accessible format, should be available verbally and in writing, and should adequately address any language barriers.

### **Key Comments/Highlights**

- *We did not receive any supportive information. We were not on welfare and therefore did not meet the criteria for them to assist us, and they didn't provide alternative information.*
- *No, we did not receive any helpful or supportive information. We had never been in that situation and did not know the rules, like whether we could speak up or ask the judge questions.*

- *We were told that since we lived in a rural area and mental health services were scarce, that it probably would be best for our child to be locked up because she'll get services faster.*
- *Let me make the distinction between being given information and being helpful. Yes, they throw paper at you, but no one explained anything, and it was as if they perceived us as the family being the problem and didn't want to take the time with us.*

### ***Question 3—Understanding the Process***

#### **Did you and your child understand the process? The reasons your child was in the system? Your rights?**

Family members agreed that they did not fully understand the process or their rights. Several participants also talked about not fully understanding the law or the long-term consequences of decisions they were faced with during the process. Family members suggested that the juvenile justice and other systems provide a point of contact or team of people to meet with the family when a child is arrested. This person or persons could help the family navigate the process, understand their rights, and address related questions and issues that may arise.

#### **Key Comments/Highlights**

- *I knew absolutely nothing. They were talking about terms I had no knowledge of. As a parent, you have no idea what rights you have. Should I speak? Should my son speak?*
- *After every court interaction, I asked myself, "What just happened?"*
- *We had no clue what the long-term consequences would be when our son took a plea. We were told that his records would be expunged. Several years later when our son was filling out a job application, we realized that we were lied to.*
- *The system is unfair and there is no built-in protection to prevent a youth from being judged because of the color of his skin.*

### ***Question 4—Child's Needs***

#### **Did you feel enough attention was paid to your child's education? Health care? Mental health needs? Other needs your child had while in the system?**

Families provided mixed results to this question. Although several families reported that their child did receive education services, it was often as a result of the youth or family members having to advocate for the appropriate instruction. Families also reported the need to ensure that youth feel challenged in the education they receive, that special education needs of youth are appropriately identified and addressed, and that youth are not incorrectly and unnecessarily

labeled. They reported that race often played a role in mislabeling a youth. Family members thought that the system should focus more attention and resources on youth receiving appropriate education while in the juvenile justice and other systems. Participants also voiced the concern that too often, their family did not meet the income or other requirements to qualify for services or receive the treatment needed.

### Key Comments/Highlights

- *My son was able to obtain his GED while incarcerated. However, this was due mostly to his persistence in getting the facility to provide him with the resources to get his GED. No one was really advocating for him behind the walls to get his education or counseling him on the importance of education.*
- *In eighth grade, my son received counseling that worked really well for him. Years later, while locked in a detention facility, my son recognized he needed therapy and requested it. He was told that they could provide him with counseling once a month. We all understand that for therapy to be effective, it needs to occur more than once per month. I believe if my son were given the proper counseling when he asked for it, he would not be struggling with some of the issues he has today.*
- *My son didn't feel challenged, and the teachers weren't taking any steps to provide him with further challenges. When he started to get in trouble at school, I had him evaluated. We learned that he was impulsive, and while he was able to do the schoolwork, he was not able to control his impulsive behaviors. Our education system needs to be better prepared to work with kids like my son and not automatically label them as troublemakers.*
- *The system was so quick to label him and others like him as "bad" kids. The schools are too quick to jump to inconclusive assumptions, and they are sent to behavioral schools. Through my research, I've seen that behavioral schools are proven not to work. In fact, it appears they set them up for criminal behavior. And, you'll likely see mostly African American and Hispanic children in behavioral schools.*

### Question 5—Educational Goals

#### Can you share one example of something that happened or that someone did while your child was in the juvenile justice system that helped in terms of achieving educational goals?

Family members placed a lot of value on fostering strong parent-child relationships while their children were involved with the juvenile justice system. Family engagement was the number-one factor in making sure youth got the education services they needed and in helping youth break negative cycles. Family members talked about the need to actively support and encourage family engagement, including engagement of stepparents and other family members, to eliminate barriers to family/parent advocacy for youth in the system, and to encourage family engagement throughout a young person's involvement with the juvenile justice system. Family members also

mentioned the importance of system officials understanding the financial, time, and other practical constraints families face and working with them to keep lines of communication open. Zero-tolerance policies in schools were cited as misdirected policies that are unnecessarily driving more children into the system.

### **Key Comments/Highlights**

- *As parents, we needed to be consistent and persistent in asking the court to make sure that our son was getting all the services and education that were available to him. We understood that because of our son's behavioral problems, the education services offered to him were limited, but we had to fight for everything he got.*
- *All children learn differently. When a child is acting out, too many professionals jump to the conclusion that they're bad kids. I think many youth end up in the juvenile justice system because they fail in the educational system. [The] mindset is already in place, and as parents, we have to be more active and be ready for the fight with the school system before our kids end up in the justice system.*

### **Question 6—Relationship With Child**

#### **Did you feel you were able to maintain a meaningful relationship with your child while he or she was in the juvenile justice system?**

Most families believed they were able to maintain a meaningful relationship with their children during their involvement in the juvenile justice system but reported that it required significant effort on their parts. Family members talked about the importance of developing relationships with system officials, the challenge of balancing their work life with making the time to be at the facility, and having to overcome differential treatment based on economic status or race. Family members thought that parental support mechanisms should be implemented to make family engagement part of the process. They recommended that parent advocacy groups should be supported and recognized as partners throughout a youth's involvement with the juvenile justice system.

### **Key Comments/Highlights**

- *We were part of a parents' advocacy group, and many of our children were in the same detention facility. When we would visit our son, we'd see other parents and we'd hug and say hello. This also helped our children to bond with one another. So many of the children in the facility had no family members visiting them, and this would make it difficult for my son. If he shared any information with us, other kids would retaliate. We need to take care of all the kids in a facility so that they learn to get along with one another. I'm not sure how we do this, but we need to get to those kids that have no one.*

- *Yes, because I started to educate myself about the system. I made myself well known to all players in every aspect of my son's detention experience. Today, I still have relationships with many law enforcement officers, judges, and social workers who worked with my son. When I found out my rights, I was no longer afraid and was able to deal with the system.*
- *Yes we were able to maintain a meaningful relationship, but not to the extent that we would have liked. My son's facility was 2 hours away from our home, and visits were only allowed on Sunday. Sunday is also the day that we go to church to be amongst the community of people who support us. So, we had to find a balance in keeping ourselves whole and also spending time with our son. In addition, treatment team meetings were held on Wednesdays and on the unit. One, Wednesday is a workday, and it was difficult for us to take the time off from work, but if we did, my son would often say, "Please don't come," because if a parent came to a team meeting on the unit, all other children would be locked down. Overall, the experience we had was one of not feeling like the system really wanted us involved. All the rules they set up prevented true family participation.*
- *The staff was very supportive. They took into consideration the burdens that we faced and they gave us an opportunity to determine ways to overcome those burdens. They did include the family in my son's treatment plan and they followed through with services that helped our son.*

### **Question 7—Included in Decisions**

**Were you included in decisions about your child's placement, services, programs, or care needs? Did you feel like your thoughts, opinions, and knowledge about your child were received with respect?**

Family members reported involvement, but many had to advocate for services for their child. There was a general feeling that listening to families' voices was not a routine or common practice. Family members thought that the system should approach children and youth based on their backgrounds and their actions. They stated that in many instances, officials do not look into why children and youth end up in jails or detention facilities. These family members shared that for some children, issues such as substance abuse and mental health may contribute to their negative behavior. The participants suggested that these considerations should be reviewed and services provided before automatically placing a child in the juvenile justice system.

### **Key Comments/Highlights**

- *I demanded that services be provided for my son. I was making a stink so the system people would listen to me. The respect from law enforcement was not there. Some law enforcement officers are sympathetic, but most are not. Families are taught to view themselves as bottom feeders, those that are not as rich as others.*

- *My frustration is: Why doesn't the system look at the kids as people, whole people, and figure out why they're ending up in jails or detention facilities? Maybe there's something going on at home, or there are substance abuse or mental health issues. The system should not be so quick to lock kids up.*

### **Question 8—Helped or Harmed by the System**

#### **Overall, do you feel that your child was helped or harmed by his or her involvement with the juvenile justice system, and can you say more about that?**

Family members' reports reflect that the effects of the juvenile justice system on their children were varied and included "somewhat helpful," "not helpful at all," and "it's too soon to tell."

#### **Key Comments/Highlights**

- *I think it may have helped my son, I don't know for sure. He's gone, murdered soon after coming out of the system. Before his death, my son said, "Mama, I'm going to get it right. It's just so hard to be a black man and also learn how to be a man."*
- *The system did in some ways help my son, but I think it was more helpful to me. It enlightened me to the reality of our system and how much needs to change.*
- *I told my son why I was coming to Washington, and I asked him if I helped him and he said "yes." He said that I made sure he was surrounded by people who cared about him and wanted the best for him.*
- *I think my son was harmed in the worst way, and it changed him in a way that was irrevocable. We're all paying; everyone who lives in Maryland is paying a portion of their income to house my child in prison. We also pay in the fact that the fabric of our society is torn each time a child is not treated as a child and given the resources and tools they need to overcome and excel.*

### **Question 9—Change the System**

#### **If you could change one thing about the juvenile justice system to make it a better system for the youth who will experience it in the next few years and their families, what is the one thing you would change?**

Areas of focus included:

- Rape prevention.<sup>1</sup>
- Keeping youth out of adult court.
- Addressing systemic racism.
- A greater focus on prevention and proven intervention strategies.
- Training for system officials.
- A much more intensive focus on creating and sustaining family engagement throughout a youth's involvement in the juvenile justice system.

### Key Comments/Highlights

- *The one critical thing that must be changed is the prevalence of rape in our juvenile and adult facilities. Further, if a child is raped while incarcerated, immediate and proper treatment should be provided.*
- *I think there should be more education for parents and children. This education could go a long way in helping families understand the reality of what happens when their child becomes involved in the system. There should be a program where other kids who have been through the system talk to kids who are in trouble and heading in the wrong direction.*
- *The one thing I'd like to see changed is the abolition of certifying a child into adult court.*
- *Prevention is key to helping our children understand the ramifications of their behavior and also to treat issues such as substance abuse and mental health so that they have appropriate outlets to heal and grow.*

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<sup>1</sup> The Prison Rape Elimination Act (PREA) was passed in 2003. The law created the National Prison Rape Elimination Commission (NPREC) and charged it with developing standards for the elimination of sexual abuse in confinement. The law required the Department of Justice to review the NPREC standards, make revisions as necessary, and pass the final standards into law. PREA directed the Attorney General of the United States to promulgate standards for all confinement facilities, including but not limited to local jails, police lockups, and juvenile facilities. PREA standards apply equally to locally operated facilities, such as lockups, jails, juvenile detention centers, and locally operated residential community confinement facilities. The PREA Juvenile Facilities Final Standards are available at [www.prearesourcecenter.org/sites/default/files/library/preafinalstandardstype-juveniles.pdf](http://www.prearesourcecenter.org/sites/default/files/library/preafinalstandardstype-juveniles.pdf). The National Standards To Prevent, Detect, and Respond to Prison Rape Final Rule was published in the Federal Register on June 20, 2012, and became effective on August 20, 2012. Additional information about PREA and its implementation can be found at [www.prearesourcecenter.org/fag](http://www.prearesourcecenter.org/fag).



- *I also think that officials need to take a hard look at the people working in the system. I've seen too many people who are just burned out and who simply don't care. We need to provide outlets for them as well, and they should constantly be trained and educated on youth development.*

### ***Common Themes and Reflections***

In addition to the themes outlined above, participants shared the following thoughts and reflections:

- Prevention and intervention efforts should be developed and implemented. They shared that this approach is critical to keeping children out of the system and keeping families intact. Family members also related this recommendation to the need for substance abuse and mental health treatment.
- Evidence-based programs should be duplicated in every state. The Missouri Model was cited as an example.
- Rules certifying or transferring children into adult courts should be abolished.
- Officials should place more scrutiny on those working in the system. Participants recounted that in many instances, staffers experience ongoing fatigue and job-related stress and, therefore, do not have the stamina to fulfill their responsibilities effectively. These family members also shared that staff need to be regularly trained and educated on the latest youth development principles.
- Aggressive efforts to prevent child rape in juvenile and adult facilities must be developed and implemented immediately. Further, if a child is raped while incarcerated, immediate and proper treatment should be provided.

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## **Final Comments, Thoughts, and Reflections**

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Family members requested that President Obama attend listening sessions, saying that the President's decision to attend would place real weight behind his verbal commitment to the healthy development of their children. They also emphasized the importance of listening to families and youth.

Mr. Slowikowski, then-Acting Administrator of OJJDP, informed family members that although juvenile justice systems are state based, the federal government can provide information on effective evidence-based programs to the states and urge them to implement effective programs.



He stated that inroads that the Juvenile Justice and Delinquency Prevention Act has made have helped to improve the system, but acknowledged greater work is still ahead. After learning of the widespread problems within the juvenile justice and other systems, Mr. Slowikowski stressed the need for more information and research that directly points to best practices. Mr. Slowikowski moved the listening session to a close, noting that longer sessions are needed so that more insights can be shared. He stated that the information presented during the event enlightened OJJDP and CFYJ leaders and will help to chart the future course of action.

Mr. Slowikowski assured participants that OJJDP would provide a forum to give voice to families during the Office's 2011 National Conference ([ojjdp.gov/2011conference](http://ojjdp.gov/2011conference)). He explained that there would be many key stakeholders and practitioners at the conference who needed to hear what was shared during this listening session.

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## Session Participants

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Identities of the families have been kept confidential. Other participants included:

### **Office of Juvenile Justice and Delinquency Prevention**

- Jeff Slowikowski, then-Acting Administrator.
- Melodee Hanes, then-Acting Deputy Administrator for Policy.
- Sue Hoag-Badeau, former Senior Fellow.
- Robin Delany-Shabazz, then-Designated Federal Officer, Coordinating Council on Juvenile Justice and Delinquency Prevention and Federal Advisory Committee on Juvenile Justice.
- Kathi Grasso, then-Senior Juvenile Justice Policy and Legal Advisor.
- Donni LeBoeuf, former Special Assistant to the Administrator.
- Beth Scott, former Executive Assistant.
- Tara Beech, former Intern/Volunteer.

### **Campaign for Youth Justice**

- Liz Ryan, President.
- Grace Bauer, Facilitator and Family Organizer.
- Jessica Sandoval, Field Director and Session Facilitator.

Contact information for participants from the organizing agencies, where available, is provided in appendix B.



## Chapter 3. Family Listening Session: June 15, 2011

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### Overview

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On June 15, 2011, the Office of Juvenile Justice and Delinquency Prevention (OJJDP), in collaboration with the Campaign for Youth Justice (CFYJ), held the third in a series of four family listening sessions in Washington, DC, to hear from families who have experienced the best and worst practices of the juvenile justice system and to explore ways to improve family engagement to ensure better outcomes for children and youth.

### Session Format

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Sue Hoag-Badeau from OJJDP welcomed and thanked the families for their participation and provided an overview of the session's objective—to engage families from diverse backgrounds to learn about their experience with the juvenile justice system. The primary goal of this and the other listening sessions was to capture the voices and perspectives of families and youth with system experience and to use that information to inform OJJDP policy, to identify and develop best practices, and to maximize grant-making opportunities.

The session began with brief introductions by family members, federal officials, invited guests, and staff from CFYJ. Session facilitators assured the family participants that no names or other identifying information would be used outside the room. Family members were asked to respect the confidentiality of others in the room. Further, family members were advised that the session would be recorded for note-taking purposes only and that OJJDP would be producing a document in association with this listening session.

In the interests of time and brevity, CFYJ facilitators framed questions in a manner that objectively directed the family members while allowing the sharing of information regardless of its relevance to the questions posed. The facilitators encouraged the participants to share their perspectives freely, but to be as direct and succinct as possible.

The full list of questions, found in appendix A, served as background information and as a tool to clarify comments shared throughout this report and to inform and guide the questions posed to family members during the family listening session.

Below is a summary of the participants' responses.

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## Questions and Responses

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After the introductions of participants and listeners, Sue Hoag-Badeau outlined four main topic areas for the group and Jessica Sandoval of CFYJ facilitated the discussion of each topic:

1. What was your first involvement with the system?
2. What was your child's experience with the system? Were all your needs met?
3. What was your family's experience with the system? Were your needs met and your rights respected?
4. Was there aftercare; i.e., what happened when your child was no longer in the system? Did he or she receive support?

Based on these questions, family members provided insight on a range of issues related to their experience with the juvenile and adult criminal justice systems, including:

- Consequences of trying and detaining youth in the adult system.
- Lack of community-based alternatives to detention and incarceration.
- Lack of information about the process and what is happening to youth in custody.
- Barriers to maintaining family or parent-child relationships.
- Lack of and barriers to youth obtaining needed services.

Summaries of the participants' responses and representative comments follow each of the questions below.

### *Question 1—Involvement With the System*

**Think about when your child and your family first got involved with the system. What did you expect it to be like and how was it different?**

Parents stated that they expected more support from the juvenile justice systems they and their children encountered. Specifically, they expected more transparency; better direction about their rights, choices, and the overall process; more and better resources to provide support and guidance; greater access to their child throughout the process; and proper representation. Several participants talked about missed early warning signs in their children relating to educational and

mental health needs that, if adequately addressed, may have kept their children out of the system. Other barriers, including systemic racism and both children and parents being labeled as “bad,” were also raised.

### Key Comments/Highlights

- *We had never been in this system, so I had no clue what to do, where the jail was, how visitation worked, absolutely nothing. The visitation process was horrendous, and we didn't understand that only one person could visit. You really don't have any guidance from anyone on what the next steps are. So, for us it was a whole lot of unknowns, frustrations, and time delays we didn't know how to handle. Now we hear things we should have asked, but at the time I didn't know I could ask.*
- *The first time my son ran into the juvenile justice system, as an African American family, you recognize there is disproportionality. My youngest son was first involved with the system when he was 12. They figured a way to change him was to shackle my son and hold him for 2 hours until I could get to him. But by then he was already having trouble in school, and he had lost the love for learning I knew he had. They thought he was cute; he came out shuffling in the shackles, and it broke my heart.*
- *My son was 12 or 13 when we had our first encounter with the system. He had been having trouble in school, he had been diagnosed with ADHD, and he had severe problems trying to stay on tasks—that was a real problem in school, with his teachers. He was not compliant with the meds. He hated the meds. But the system wasn't prudent at all. Having a child with issues of that nature, you're labeled as being part of the problem. People say you're not a good parent or you're not doing what you need to be doing.*
- *He was 13 and found at school with pot. He was arrested at school by the resource officer, put in handcuffs, and put in the detention center. We had no idea he was taken from school until that evening. We went to pick him up, they let him go home, but then he was expelled from school for 90 days.*
- *I didn't know what to expect, but I thought the way the situation was set up...I always thought it would be a little more transparent. Give us a little more options, maybe be a little more transparent to give us time to think about it. I thought all the evidence had to be on the table before we made a decision, and it never happened.*
- *I had been failed because I was not given proper representation. I had no funds; my parents weren't really notified at all. I basically fought the case by myself. They didn't try to give me any help or rehabilitation, no alternatives, no youth camps, and I had never ever been majorly in trouble with anything. There was no opportunity to redeem myself, to show I could do better.*

- *My belief was that the government treats children fairly and justly. Now I know the truth; our government is doing an abysmal job.*
- *Not only did I believe that when we got to court, the truth would come out, I just didn't actually believe that they would send a juvenile to an adult facility, but they did.*

## **Question 2—Responsiveness to Needs**

### **Did you feel enough attention was paid to your child's education? Health care? Mental health needs? Other needs you or your child had while in the system?**

Most families found it difficult or impossible to get the information and/or services they needed. The withholding of information about where children were, what medications they were on, the state of their physical and mental health, and the provision of educational services were reported as problems. The parents reported that in some cases, services either were nonexistent or the barriers involved made them difficult to access. This also made it difficult to coordinate between stakeholders outside the system, such as local school districts and doctors, and system officials. Several participants found system officials to be obstacles as well because they either declined to help or did not themselves know the law or how to provide help. Finally, environmental issues, including isolation, lengthy lockdowns, noise, and having the lights on all the time, were cited as challenges.

### **Key Comments/Highlights**

- *The overriding problem with the system is that the system exists. That children are actually placed in prison, period, is the problem. It is a cage for humans, and there is no education. There is very limited medical care. I had to pay for his transportation, medical, guards to bring him out to a surgeon to have his tonsils removed.*
- *He was allowed to get schoolwork from the high school, and they would let kids out for a couple of hours to do their schoolwork. But the rest of the days they were pretty much isolated in their own little cells, which does not contribute to their mental health at all. I remember him saying, "My life is over." It was just really hard for him because school was really important for him.*
- *We try to bring our kids up to trust people and to be accountable, and I guess I was as naïve as anybody in thinking that I could trust the people that were in the system. I could trust that they were going to be accountable on their end to keep my child safe.*
- *He knew he needed help. Unbeknownst to everyone else, he was addicted to oxycontin, and there was no help on the health end. Another piece of the health care, he told us he was always cold.*

- *You expect when it comes to a child for the system to do so much, but I watched it follow its own protocol. You know they broke every rule in the book when it came to my case, and they will still deny it ever happened.*
- *He did not have the opportunity to go to school because he was on lockdown for hours at a time. It is my understanding that they are required to give them an education and nobody enforced those compliance measures.*
- *I found that the more you establish a rapport with the staff, the better they would be in helping you get things accomplished. But it was a constant effort to do that; you had to, regardless of what feedback you would get, you had to try to make it work.*
- *I can't even tell you. I have sat in classes for hours and hours and the ostracism that my child received and being stigmatized about his education. He was an above-average learner, but he just learned differently.*
- *The guidelines of correctional officers should be lifted to a higher standard, not only to accommodate guarding people, but to protect them.*
- *Children need to be in school, they need to be with people who love them, care about them, and they need those people to be there.*

### ***Question 3—Relationship With Child***

#### **Did you feel you were able to maintain a meaningful relationship with your child while he or she was in the juvenile justice system?**

Most families found it challenging to maintain a meaningful relationship with their children during their involvement in the juvenile justice system. They reported that the system is not family friendly, and trying to sustain a relationship with a child in the system causes overwhelming stress to the family. Participants talked about the lack of communication with system officials; the logistical challenges of visitation, including scheduling with work, distance, and costs; and officials using visitation as part of a reward/punishment scheme.

#### **Key Comments/Highlights**

- *Every time he was transferred, I had to find out where he was because they don't tell you when they are moving them or where they are taking them.*
- *By the time of our first visit, he was severely beaten up. And, it didn't matter that I had spent 3 to 4 hours on the phone with the supervisor talking about his safety and [the supervisor] assuring me he was going to be ok. We were told stuff like this happens, and if it happened again he would be put in solitary confinement.*

- *So as far as visits, it was different everywhere he went. When he was in the juvenile facility we could visit on Tuesday or Saturday and you got 20 minutes a visit. There were steel tables and steel chairs and you couldn't even touch him.*
- *My son never went through the family court system, and when you are in the adult system you are an adult. There is no parental involvement. It doesn't matter if you are 15. I didn't have any rights to see my son at all.*
- *When my son first entered the system, part of his punishment was that he not have visits at all for the first 2 months. Since I couldn't see him, I decided I would create a relationship with the case managers that were in the system. I worked closely with case managers to see what was going on. That system was just so difficult to navigate.*
- *Some parents do not have transportation. No one is offering transportation, so this creates a problem for [maintaining] a meaningful relationship with your child. You don't get the opportunity to visit with the child or talk with the child; there is no relationship.*
- *I talked to my family every few months because they could not afford to put money on the phone. My mother had children to take care of. She also couldn't come see me because it was an hour away and that is gas and so forth.*
- *He said, "Man, I feel like I don't know you at all. I grew up without you" and that really hurt. It was real hard to keep communication and keep a relationship with your family.*
- *I have been with my husband for 30 years; we were high school sweethearts. He is the only man they have ever known to be in their life with me, but I can tell you that as a family, this can destroy you or tear you down.*
- *I get two 5-hour visits a month and I'm there the whole time. So I can say because of this, we have had a chance to build a bond. The other prisoners would say, "I wish my dad did the same thing your dad did."*

#### **Question 4—Aftercare**

##### **What happened when your child was no longer in the system? Did he or she receive support?**

Most families felt that they and their children did not receive adequate transitional support. Participants advocated for an individualized, community-based approach to preparing children and their families for reentering society as adults.



## Key Comments/Highlights

- *Given the fact that our children enter these systems as children and leave them as adults, they are not equipped or have had the experience to be an adult once they reenter society as an adult.*
- *When they transfer from the adult system, they don't have experience and they are prey to falling back into those same situations—even more so because transition programs are not as available as they used to be.*
- *I think we are just too punitive instead of finding out what we are dealing with and what is the best course to take to get something accomplished. Nobody wants to be thought of as being psychotic or broken. I just think community-based services are a major concern and need to be implemented.*
- *You wouldn't need to transfer from a cage to a society if there wasn't a cage. So what we do is take children and throw them in a cage, but what we should be doing is treating their illness. I think the bigger problem we have is getting the general public to understand that treatment is needed.*
- *Within weeks, all of the people he was doing all the dirt with, he immediately fell back into. The drug war is a war against children of color and he just got caught up in it again. The community wasn't ready for him. There has to be more parent and family support.*
- *Transition is very hard. When I was released from prison, it took me about 4 months to find a job. Then from a legal standpoint, they will say after 2 months, you are being let go because of your felony and you are not really supposed to let me work until my background check comes back. I have had to deal with this issue four or five times. It was hard for me, and we should identify more resources.*
- *You can't just release them and expect [them] to go out there and say, "Well, I stayed in a juvenile detention center till I was 21 years old, and now I'm an adult." They don't know how to manage an adult mind; they still need that aftercare.*

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## Common Themes and Reflections

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Through family members' sharing their stories and experiences with the juvenile and adult criminal justice systems, the following themes emerged:

- Children should not be tried as adults.

- System officials at all levels should be required and empowered to provide resources and information that are relevant to the needs of the family and the youth involved.
- There should be more attention to and investment in prevention and early intervention strategies that help parents and families address children’s needs (health, substance abuse, mental health, and education) before the behavior leads to contact with the justice system.
- System officials should know the law and be held accountable for how they treat children in the system.
- Family engagement should be actively supported and encouraged. Barriers to family/parent advocacy for youth in the system should be identified and addressed. System officials need to understand the financial, time, and other practical constraints families face and to work with families to keep lines of communication open.
- Children should have access to appropriate educational opportunity while in the system.
- Greater investment in aftercare and transition services is needed.

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## Summary of Remarks by OJJDP

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Melodee Hanes, Principal Deputy Administrator (then-Acting Deputy Administrator for Policy), OJJDP, thanked the families for sharing their painful experiences and offered them hope based on what OJJDP is currently trying to achieve. Ms. Hanes stated that one of OJJDP’s roles is to provide states funding to help change the way children are adjudicated through the system. She emphasized that the Administration has encouraged states to endorse the belief that children should not be incarcerated for minor offenses such as truancy; community-based approaches are better options for these youth. Ms. Hanes further stated that although states have their own laws and the federal government cannot mandate what they do, OJJDP can provide incentives with its state funding.

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## Session Participants

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The family members on the panel represented a cross-sampling of jurisdictions and juvenile and criminal justice systems across the United States. Participants were from Illinois, Mississippi, Missouri, Nevada, South Carolina, and Wisconsin, and included parents and guardians from seven families and one individual who spent time in the juvenile justice system as a youth.

Identities of the families have been kept confidential. Other participants included:

Bryan Samuels  
Commissioner  
Administration on Children, Youth and Families  
U.S. Department of Health and Human Services

Kristen Levingston  
Program Manager  
Ford Foundation

**Office of Juvenile Justice and Delinquency Prevention**

- Melodee Hanes, then-Acting Deputy Administrator for Policy.
- Janet Chiancone, Associate Administrator.
- Sue Hoag-Badeau, former Senior Fellow.
- Robin Delany-Shabazz, then-Designated Federal Officer, Coordinating Council on Juvenile Justice and Delinquency Prevention and Federal Advisory Committee on Juvenile Justice.
- Kathi Grasso, then-Senior Juvenile Justice Policy and Legal Advisor.
- Donni LeBoeuf, former Special Assistant to the Administrator.
- Beth Scott, former Executive Assistant.
- Tara Beech, former Intern/Volunteer.

**Campaign for Youth Justice**

- Liz Ryan, President and CEO, Session Facilitator.
- Grace Bauer, Session Facilitator and Family Organizer.
- Jessica Sandoval, Field Director and Session Facilitator.

Contact information for participants from the organizing agencies, where available, is provided in appendix B.



# Chapter 4. Family Listening Session for Tribal Youth and Families: July 26, 2011

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## Overview

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The Office of Juvenile Justice and Delinquency Prevention (OJJDP) held its fourth listening session on July 26, 2011, in Santa Fe, NM. The purpose of this session was to understand how the juvenile justice system for tribal youth may be improved, based on the testimonies of families who experienced the best and worst practices of the system. The session brought together eight families from various tribes and was facilitated by staff from the Education Development Center's (EDC's) Tribal Youth and Tribal Juvenile Detention and Reentry Training and Technical Assistance Centers, who provide culturally sensitive training and technical assistance to federally recognized American Indian tribes and Alaska Native communities that receive funding from OJJDP.

## Session Format

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Laura Ansera, then-OJJDP Tribal Youth Program Coordinator, welcomed and thanked the families for their participation and reiterated the session's objective—to engage families from diverse backgrounds and experiences to learn about the issues they encountered with the juvenile justice system. Ms. Ansera explained she wanted to listen to their needs and communicate them to the policymakers in Washington, DC, who decide on funding, training, and technical assistance for tribal youth. She encouraged the families to take advantage of this opportunity to share how OJJDP can improve its work at the federal level. Ms. Ansera also assured participants that the families' anonymity and confidentiality would remain intact.

The families and facilitator participated in the listening session using the Talking Circle, which honors the Native American way of life. It is a restorative practice that ensures everyone in the Talking Circle has an equal opportunity to be heard without fear of being interrupted, criticized, or judged. The facilitator used sweet grass as the “talking piece,” another Native American tradition. When the facilitator presented a topic question to the circle, the talking piece was passed clockwise, giving each family member an opportunity to respond or simply pass the talking piece to the next person in the circle.

The following topic questions, the same ones used in previous listening sessions, were presented to the circle.

1. What was your first involvement with the system?

2. What was your child’s experience with the system? Were all of your needs met?
3. What was your family’s experience with the system? Were your needs met and your rights respected?
4. Was there aftercare; i.e., what happened when your child was no longer in the system? Did he or she receive support?

More detailed questions were used to inform and guide the topic questions posed to family members during the listening session. The full list of questions is provided in appendix A.

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## Tribal Youth and the Juvenile Justice System

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Most family members provided an overview of their background with the system and candidly shared their personal experiences. Their collective stories began to unfold as they responded to each topic question. Below is a summary of the participants’ responses.

Most of the youth became involved in the system while in middle school as a result of nonviolent offenses, such as drug/alcohol use, truancy, or vandalizing property. Many of the youth experienced time in juvenile detention centers, and most have served time under Juvenile Intensive Probation Supervision, also referred to as Intense Probation throughout the session. Intense Probation is a community-based sentencing option for seriously at-risk juveniles. The program diverts juvenile offenders who are in need of a highly structured, closely supervised program from out-of-home placement or overcrowded institutions. The program demonstrates to offenders that probation means accountability, consequences, and productive rehabilitative activities. The juvenile probation officer closely supervises and provides intervention to youth and their families. The features of Intense Probation include frequent meetings with the probation officer, required programming (such as counseling) and, often, home detention and electronic monitoring. It is used on offenders for periods of time that routinely run from 6 months to 2 years. An offender can be placed on a less restrictive type of probation after successfully completing part of a sentence of Intense Probation.

### *Participant A’s Experiences With the System*

#### **First involvement with the system**

When this youth was 15 and attending middle school, he was put on probation for possession of marijuana on school property. The first time he was caught, he received a warning. After the second time, he went into detention on the weekends and attended school during the week. When he went to court, the judge told him that if he was caught in high school with drugs, he would go to jail. He was also sent to drug court where he was told to help other juveniles, which helped to shorten his probation period. It took 2 years for him to get off probation. His foster mother

admitted that she monitored the youth constantly and drove him to and from school each day to make sure he stayed out of trouble.

The foster mother, who works with several youth on probation, stated that in her experience, most youth have their first involvement with the system in middle school—usually as a result of drug-related offenses.

### **What in the system was the most helpful? What was the least helpful?**

The youth commented that his friends were the least helpful to keep him out of trouble because they were still smoking marijuana and pressured him to join them, which he always did. The most informative and influential resource for keeping him out of trouble was a friend who is 6 months older. His friend told him to either quit smoking marijuana or spend all his weekends in detention. This helped him to quit altogether.

The youth remarked that the most helpful program was Solutions Court, which is a program for juveniles who have trouble getting off probation and staying off. The court uses a reward system for good behavior; for example, when he had a clean urine test, he received a gift card, which he used to purchase electronics.

His foster mother agreed that rewards and consequences are effective incentives and explained how she helps juveniles on probation complete their community service projects. She remarked on the importance of showing the children she is not there to punish them but, instead, wants to teach them responsibility, help them seek a good education, and learn to be respectful. She recalled the story of one boy in her charge for community service who preferred to sit in the shade and rest. She pestered him to pull weeds and did not allow him to stop, and when he said he hated it, she told him, “Want to get out? Get off probation.” He eventually “cleaned up his act,” and he put his arm around her, proudly telling her, “I’m off probation.”

The youth described how his foster mother checked his grades often and attended his classes to ensure he was paying attention. When she noticed his mind wandering, she sat next to him to keep him focused until he finished his work. His foster mother said she also checks on him when he is on the computer to ensure he is working—not socializing or playing games.

The foster mother expressed a desire to see classes offered that teach parents how to discipline their children because she believes a lack of proper discipline is one reason youth get into trouble. Although there are some classes available in the United States, there are not many in Indian country. She stated that she would like to see parents learn how to give rewards that are earned instead of handing over expensive gifts simply because the child wants them. These types of reward systems better prepare youth for adult life when they have to earn a paycheck to buy a nice car and get an apartment, she said.

**What was your family engagement while your child was in the system? Were you able to maintain a meaningful relationship with your child while the child was in the system?**

**What ways did the system help (promote) or hinder your relationship with your child?**

The youth's foster mother explained that the boy's biological parents are not very involved. His biological mother is overwhelmed with her responsibilities of a full-time job and two other children. In addition, the juvenile center where the youth is detained is an hour from the biological mother's home, which involves driving across 8 miles of muddy terrain, making travel almost impossible. She has visited him twice since his detention, and the youth recently met his biological father for the first time.

The foster mother shared a particular rewarding moment that occurred on her foster son's birthday that helped her build a better relationship with him. She recalled that when she picked him up at detention, he was singing, and she remarked that she had not seen that kind of positive attitude from him in a while.

**Were you included in decisions in programs/support for your child? Were your opinions heard and respected?**

The foster mother said the county lacks culturally sensitive services to appropriately involve or solicit decisions from parents. Often, the terminology that the court system uses is intimidating and challenging. She said often, when the judge asks if the parents have any questions, they remain quiet because they feel the judge will misunderstand what they are trying to say.

**Aftercare—was there a transition plan to help you go back into your community/home?**

The foster mother explained that because the youth's biological parents are not involved, there was no transition. He is on his own, but he will stay with her and she will enforce rules and set boundaries for him.

## *Participant B's Experiences With the System*

### **First involvement with the system**

This youth first entered the system when he was 10 years old because he vandalized school property and was put on probation. He admitted that he thought it was cool to be like the older kids who were already on probation, but once in the system, he realized it was anything but cool. A year ago, he got into trouble again for vandalizing cars, and this time he was put under the care of his grandmother because his mother's addiction to crack cocaine made her an unfit guardian. His grandmother said there were so many charges on him in Denver that he had to complete his programs there.

The youth admitted that he dislikes people telling him what to do, but he knows that if he gets in trouble again, he will be sent to juvenile prison. His grandmother added that he smokes marijuana, which is his biggest problem. He finished a rehabilitation program and then went



back on probation. He still has as much as 2 more years, but if he improves, he could get off probation in 18 months.

His grandmother shared that she has been in the education field for 33 years and knows that education is the key to a successful life. She learned this life lesson as a result of her painful experience with alcohol and cocaine addictions and had to work her way out of them. She is now trying to help her grandson learn from her life experiences and encourages him to finish school.

**What in the system was the most helpful? What was the least helpful?**

The youth stated that his family helped him the most—not the courts. He felt the courts wanted him to get into trouble. He reported that when he was at home with his mother, she was “cracked out of her mind,” and he received no help from her. His grandmother has been his biggest source of support, and he started listening to her about God, going to church, and getting an education. He feels that some families do not have money to get the resources and programs their children need and those children end up in jail.

**Did you feel enough attention was given to your child’s education? Share an example.**

The grandmother talked about her two daughters getting pregnant at 15 and 16, which kept them from finishing high school. Her last hope of one of her children getting an education lay with her son. However, she was using cocaine and alcohol at that time and knew she had to change her life to help her son succeed, so she did. She attended all of his sporting events and parent/teacher conferences. As a result, her son graduated from high school and went on to earn his associate’s degree in automobile mechanics. She uses her son’s experience to convince her grandson about how important education is.

**What was your family engagement while your child was in the system? Were you able to maintain a meaningful relationship with your child while the child was in the system?**

**What ways did the system help (promote) or hinder your relationship with your child?**

The grandmother felt the system was helpful because it finally made her grandson understand the need to remain focused. It also was the reason he could enroll in the alternative high school this year.

**Aftercare—was there a transition plan to help you go back into your community/home?**

The grandmother considers aftercare a family’s responsibility. Because the youth’s mother was an addict and the other family members are in treatment centers, he has no family life; therefore, she considers it her responsibility to ensure he transitions successfully out of the system and stays on track. The grandmother reported that the youth’s mother has been clean since September, and the grandmother can see significant changes in her and she is being more of a mother to her son now. It is the grandmother’s hope that her grandson can return home to his mother.

## *Participant C's Experiences With the System*

### **First involvement with the system**

The youth's mother described their first involvement with the system when her daughter was 15. According to the mother, her daughter was with another girl who got them both into trouble, and they ended up in court. The mother explained that their tribe shares a court with seven other tribes. It was the family's first experience with the Court of Federal Regulations, which the Bureau of Indian Affairs established and operates. The mother felt the court failed her daughter. The daughter added that the only help she received was from her mother and a counselor—the court was not helpful at all.

The mother spoke of wanting to do something useful for her community when she returned home after receiving her degree. However, now she feels that the most harmful thing she did for her daughter was to return home. There were no programs to support her daughter, which is why she started an organization to help other youth.

### **What in the system was the most helpful? What was the least helpful?**

The mother remarked that the education her daughter received was unhelpful. She struggled in school but the teachers passed her anyway with grades of Ds and Fs. She said that the court system is ineffective at monitoring the education system, so it became her responsibility to monitor both the education and court systems on top of her other responsibilities. After her daughter's third offense, she was placed in an alternative education system, where she earned a place on the honor roll for academic achievement.

### **What was your family engagement while your child was in the system? Were you able to maintain a meaningful relationship with your child while the child in the system? What ways did the system help (promote) or hinder your relationship with your child?**

The daughter stated that it was her mother who truly helped her but her father was hardly involved.

### **Aftercare—was there a transition plan to help you go back into your community/home?**

After their lawyer had the case dismissed and her daughter was released, the mother had to pay for her daughter's aftercare support. They saw three different counselors before finding the right one. They also tried different medications for her daughter. The mother stated that she continued to shop around until she found the appropriate services her daughter needed.

## *Participant D's Experiences With the System*

### **First involvement with the system**

Three generations of this family attended the listening session—the youth, her toddler, and her mother. The youth and her mother provided a poignant testimony of finding love and hope

through their struggle with the system. The youth described her entry into the system when she was 15, when she was placed on probation because of chronic truancy.

The youth's mother described how she dropped her daughter in front of school every day only to learn later that her daughter left school once she drove away. The mother explained that her daughter ran away from home after they had an argument. When the police found her daughter, she learned that her daughter was pregnant. The police locked her up in juvenile detention for truancy. "Why wasn't there a point of intervention—before she entered the juvenile system?" her mother asked. She stated that a positive outcome was once her daughter was released from detention after 50 days, she worked harder at getting her GED.

### **What was the most helpful? What was the least helpful?**

The youth said that the juvenile system was good for her and that the counseling was helpful. Overall, she considers the system in their state to be effective. Her mother, however, felt otherwise because they did not receive any explanations of what to expect or what the next steps would be.

The youth said that she was naïve then, but has since matured significantly. She still feels tremendous guilt over the 7-month period when her aunt had to care for her daughter, and tearfully recounted the moments she missed and can never get back—her child's first words and steps. The loss made her turn to drugs, but eventually she realized that if she wanted her baby back, she had to clean up her act. She shared that her priorities are clear to her now: she will go to college and become a counselor and focus her attention on her daughter.

The youth's mother felt that putting her daughter into the juvenile services center for 50 days and returning her there when needed probably helped her daughter the most, although it was difficult to see her daughter locked up. She also said that the detention center was not harsh enough; the children need to be taught a lesson and have consequences.

Both the mother and the youth agreed that the least helpful intervention is Intense Probation. The probation officer shows up unannounced and wants the youth to stop whatever she is doing to fulfill her probation requirements. This type of system is unhelpful, the mother said. In most cases, it is stressful and overwhelming when her daughter is trying to fulfill the requirements of the probation order and be a responsible and accountable parent at the same time. "It makes me feel like I'm on Intense Probation, too," said the youth's mother.

The youth said that being a mother helped her to understand the sacrifices her own mother has made for her, which also motivates her to stay on the right path now that she has been released from the juvenile system. She stated that her mother's presence at the listening session was an example of her support for her. "She is terrified of flying," she told the circle, "but she traveled on two planes to get here, hyperventilating the whole way, and will have to fly on two planes to get back home. She is doing this for me!"

It was a heartfelt moment that deeply touched her mother as well as everyone else in the room. “This moment is awesome!” her mother exclaimed tearfully. “This ‘thank you’ is awesome! I’m so glad we’re here!”

### **Did the system support your spiritual needs?**

The youth explained that when she was locked up in juvenile detention, the staff supported everyone’s religious views or cultures. They invited different tribes to talk to them, and she thought it was all good. Her mother also noted that the judicial system supported religion.

### **What was your family engagement while your child was in the system? Were you able to maintain a meaningful relationship with your child while the child was in the system?**

#### **What ways did the system help (promote) or hinder your relationship with your child?**

The youth’s mother believes the juvenile system strengthened their relationship because it helped her daughter to change in positive ways; for example, she read a parenting book without anyone prompting her. The mother said that the system also hindered their relationship in some ways because she could only visit her daughter on Saturdays and Wednesdays, which was insufficient time.

### **Aftercare—was there a transition plan to help you go back into your community/home?**

The youth said that when she was released from the juvenile system, she joined a 6-week program that meets daily for counseling and attended Alcoholics Anonymous sessions and similar support activities.

The mother listed all of the aftercare programs available for her daughter: Intense Probation, counseling, parenting classes. She shared that these programs help make her daughter accountable, but they may be excessive and overwhelming for her.

## ***Participant E’s Experiences With the System***

### **First involvement with the system**

The youth was released from the detention center to attend the listening session but will go back in when he returns to Arizona. The youth’s foster mother said he was placed on probation earlier this year. She also talked about her six children and her son, who committed suicide in May 2010. She said she raises other foster children and is familiar with the juvenile detention center in her county. She said that many youth need help; her foster son is not the only one. She also works with several youth on the reservation and helps with Health and Human Services during the summer. She shared her concern for her foster son, stating that he has to open up to find the cause of why he goes back and forth—in and out of trouble.

### **What was the most helpful? What was the least helpful?**

The foster mother said Pima County's (Arizona) Make a Change program ([www.pcjcc.pima.gov/2007\\_Annual\\_Blueprint.pdf](http://www.pcjcc.pima.gov/2007_Annual_Blueprint.pdf)) helped him with substance abuse treatment, but there were others a lot worse than him. She is trying to get him into treatment instead of detention in the juvenile center. Many youth are locked up, and she feels their nation is not helping its people. She added that although her foster son is receiving some helpful services from the county, there really is not enough help for all of the youth at risk or in trouble.

She said her foster son should be held accountable for his actions because, regardless of what services are offered, it is his conscious choice to get into trouble. She also admitted that although it hurt her to see her foster son go into detention, it was also a relief because she at least knew where he was. Often, when he was truant from school or ran away from home, her first recourse was to call the police. But instead of helping, she said, the police told her, "You're the parent. Why aren't you looking for him?"

When the foster mother picked him up at detention to bring him to the listening session, she noticed positive changes in him that caused her to weep with joy. Perhaps that kind of intervention should have happened sooner, she said. She told the circle that they shared an open and honest conversation while waiting at the airport, and it made her even more grateful to have had the opportunity to participate in the listening session.

The youth stated that "sitting in the cell was actually helpful" because it gave him time to think and develop a deeper relationship with God. The least helpful is Intense Probation, he said. "They expect too much and it is very stressful. It isn't right."

The foster mother spoke candidly about the discrimination issues that the youth faced in public school, which contributed to the truancy problem. She said he finally admitted that he was bullied at school. She stated that teachers blamed him for any problems or destructiveness that occurred at the school because he is American Indian, which is why he became truant. She said that the public schools and buses need to have onsite monitors to protect tribal youth from bullying. She said she expects her foster son to be accountable, but the system should also take into account that he has struggled and has been through a lot; for example, the youth witnessed her biological son kill himself and he saw her nephew get shot. "That is a lot for a boy to carry around on his shoulders," she said.

The youth also talked about how children ostracize tribal youth in the public school. It is particularly difficult for him because he has trouble staying focused or seated for long periods of time. He said that now that he is finally in the alternative school, he is much happier.

The foster mother discussed the importance of learning their culture and teaching it to their children. She stated that she had learned a great deal from her grandfather, who taught her that

“When you get into trouble, your friends won’t help you or visit you. You need to keep your culture in your heart. Pray to the sun every morning.”

**Were you included in decisions in programs/support for your child? Were your opinions heard and respected?**

His foster mother felt that there was some minor involvement; however, there was no communication between the judge and the probation officer. Consequently, the probation officer said many untrue things that caused her to spend substantial time researching through her paperwork to prove he was, in fact, lying. Completing and delivering all of the required paperwork also caused them to miss a counseling session, which was a violation of his probation.

*Participant F’s Experiences With the System*

**First involvement with the system**

This youth’s mother explained that her son was initially charged with truancy while attending public school; however, she did not bother to communicate with the school because they would have called the police and had her removed. Her son was also charged with DUI and smoking marijuana on the school grounds, and currently he is on probation for 4 years.

**What was the most helpful? What was the least helpful?**

His probation officer told her about the Wichita Tribe Program for youth. She said that it is an effective program that helped her son.

The youth said that when he was expelled from public school, he returned to the Indian school, but they would not let him attend because of a (false) report stating he had stolen golf carts. He reported that now he does not have any school he is allowed to attend, but he is working toward his GED.

**What was your family engagement while your child was in the system? Were you able to maintain a meaningful relationship with your child while the child was in the system?**

**What ways did the system help (promote) or hinder your relationship with your child?**

The youth’s mother said the system did not help, but that their family was already close. There were others who were supportive, she said, but not the juvenile system.

**Were you included in decisions in programs/support for your child? Were your opinions heard and respected?**

The youth’s mother said that she tried to let her son make his own decisions; however, she accompanied him to ensure he was not misled by the system. The youth said that he felt his mother’s opinions were not respected or heard.

## *Participant G's Experiences With the System*

### **First involvement with the system**

The youth's mother said her son was 13 years old the first time he went into the system—2 years ago. He recently got into trouble again and is still on probation. She told the circle that she is a single parent with four daughters in addition to her son, and admitted that she is a recovering alcoholic 30 days sober. She tries to talk to her son about her lessons learned because she has also been locked up in federal prison. The youth's mother said she was released from prison only recently for a family emergency—when her mother died from a heart attack 4 months prior. She said she feels guilty for not being there for her son while she was in prison and that is one of the reasons she is grateful for being chosen to participate in the listening session with her son.

### **What was the most helpful? What was the least helpful?**

The youth said that many people cared about him, but he rejected their support, which made him feel bad later. The counselor he saw while on probation was helpful and his grandmother was also supportive. After he was released from jail, he could not see his grandmother because she was in the hospital. "Now I want to follow her advice," he said.

### **Were you included in decisions in programs/support for your child? Were your opinions heard and respected?**

The youth's mother said that it was not possible for her to be included as she was in treatment when her son was sent to detention for 6 months. Because the detention center was 3 hours away, his grandmother and sisters took turns visiting him once a month. For the first visit, her family travelled 3 hours for a restricted visit of 1 hour. For the second visit, they were allowed 2 hours with him. Her son wants to be placed in a treatment center for help and wants an opportunity to continue his education. "I want to make it happen for him if at all possible," she said.

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## **Listening Session Outcome Themes**

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Although the individual details were unique, consistent themes emerged during the session, including the following:

- Overall, family members felt there was or should be reliance on family for support instead of government or community-based programs. Some families believed it was their responsibility, and others felt responsible because of a lack of support from the system.
- Truancy is a symptom of a greater systemic problem:
  - A result of being targeted or bullied in school—an issue the education system currently does not address.
  - Prevention programs would keep youth from being truant rather than intervening after they enter the system.

- Youth were either discriminated against by school officials or pushed through the public school system, which receives federal government funding without being accountable for providing a good education to American Indians.
- Intensive Probation is used often, which can also be overwhelming in light of daily responsibilities of job, school, and family.

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## Session Participants

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The family members who participated in the listening session are from tribes residing in the midwestern and southwestern United States. Eight multigenerational families contributed to the session and included parents, grandparents, foster parents/guardians, and youth. The participating families are from the following tribes:

- Navajo Nation (Arizona).
- San Xavier District of Tohono’O’odham Nation (Arizona).
- Southern Ute (Colorado).
- White Earth Band of Chippewa Indians (Minnesota).
- Jemez Pueblo (New Mexico).
- Kiowa Tribe (Oklahoma).
- Delaware Tribe (Oklahoma).
- Lac Court Oreilles Band of Lake Superior, three affiliated tribes of North Dakota (South Dakota).

Identities of the family member participants have been kept confidential.

Dave Brave Heart, Oglala Lakota, associate director of EDC’s Tribal Youth Training and Technical Assistance Center ([dbraveheart@edc.org](mailto:dbraveheart@edc.org)), served as the facilitator of the listening session. Lenny Foster, director of the Navajo Nation Corrections Project, provided a traditional blessing for the listening session and breakfast in his native language. The session was also attended by senior staff from OJJDP and staff and consultants from EDC and Management Solutions Consulting Group, Inc.

Contact information for participants from the organizing agencies, where available, is provided in appendix B.



# Appendix A

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## Full List of Questions

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Facilitators asked additional questions within each topic area to help clarify the kinds of responses that were considered appropriate and to stimulate the discussion.

### *General System Involvement*

1. Did you feel like you had the right information to make decisions in your child's best interest? Did you receive any printed materials that explained the court process or your child's legal rights? Did the court appoint a lawyer to represent your child, and did that lawyer explain your child's case and options to family members?
2. Were you consulted by system personnel regarding your child's needs or how your family could serve as an asset to help your child's behavior? Did probation staff visit your home, interview you, or review your family history with you? Did you think that system personnel valued your input or weighed it in making decisions about your child?
3. What needs did your family have that the system might have helped with? Did system stakeholders ask about those needs or seek to determine how they might help the family better fulfill its role as your child's primary social influence?
4. What were the major challenges your family faced when your child was involved with the juvenile justice system? (For example, could not make court appearances because of work, could not reach your child's lawyer, could not contact the probation officer.)
5. How often were you able to contact your child? Was physical contact with your child hindered by visitation schedules, facility policies, or distance and transportation issues and costs? Was the relationship obstructed by phone privileges, costs, and phone policies?
6. Do you feel you were able to maintain a deep and meaningful family connection while your child was detained?
7. Do you believe your child would have had a better outcome by receiving community-based services?
8. Do you think your child was harmed as a result of his/her involvement in the juvenile justice system? In what ways? Do you think your child was helped as a result of involvement in the system? In what ways?

### *Mental Health*

9. Did your child have mental health problems at the time he/she became involved in the juvenile justice system? Did your child receive mental health services while in the system? Were the services of high quality and effective? Were you involved with your child's treatment plan and care?

### *Conditions of Confinement*

10. Was your child housed in safe and sanitary conditions?
11. Was your child given adequate nutrition?

### *Education*

12. What educational services did your child receive while confined?
13. Was your child able to pursue a high school diploma while confined?

### *Aftercare*

14. When your child was confined, did system personnel work with the family to plan for her/his release?
15. When your child returned from confinement, was there an aftercare plan that provided services and supervision upon return home? Did someone from the system actively work with the family to help the child adjust to her/his return to the home and community?

# Appendix B

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## Sponsoring Organizations

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### **Office of Juvenile Justice and Delinquency Prevention**

810 Seventh Street, NW.

Washington, DC 20531

[ojjdp.gov](http://ojjdp.gov)

The mission of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) is to provide national leadership, coordination, and resources to prevent and respond to juvenile delinquency and victimization. To that end, OJJDP supports states and communities in their efforts to develop and implement effective and coordinated prevention and intervention programs and to improve the juvenile justice system so that it protects public safety, holds offenders accountable, and provides treatment and rehabilitative services tailored to the needs of juveniles and their families. OJJDP envisions a nation where our children are healthy, educated, and free from violence, and believes that if they come into contact with the juvenile justice system, the contact should be rare, fair, and beneficial to them.

### **OJJDP Participants**

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- Tara Beech  
Former Intern/Volunteer

### **Campaign for Youth Justice**

1012 14th Street, NW. Suite 610

Washington, DC 20005

[cfyj.org](http://cfyj.org)

The mission of the Campaign for Youth Justice (CFYJ) is to end the practice of trying, sentencing, and incarcerating youth younger than 18 in the adult criminal justice system. CFYJ works in partnership with state-based campaigns to achieve this goal. It also serves as a clearinghouse of information on youth prosecuted as adults.

CFYJ makes its tools and resources available to those interested in learning and taking action on an issue that personally affects them. A cornerstone of CFYJ's efforts is the premise that any movement must involve those who are most affected by the laws and policies to be changed. Thus, CFYJ seeks to empower those affected by encouraging them to use their voices and experiences to effect meaningful change.

## CFYJ Participants

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