



YOUTH JUSTICE ISSUE BRIEF

NOVEMBER 2017 | ISSUE BRIEF NO. 1

ACCOUNTABILITY

The primary goal of the youth justice system is ensuring public safety, promoting positive youth development, and developing data-driven policies and cost-effective practices. One way of addressing public safety is ensuring that adolescents are held accountable for their wrongdoing. When youth justice system partners adopt trauma-informed and data-driven approaches and procedures for holding adolescents accountable for their offense it promotes their ability to function as productive members of society and their future compliance with the law.

Youth Justice Vision & Strategic Plan



Through the Department of Children and Families (DCF)'s 2016 **input gathering** process, a **vision** emerged regarding accountability:

- The needs of victims are taken into account and clearly addressed.
- System stakeholders share an understanding of accountability that allows youth to truly account for and learn from their mistakes.
- Court orders include clear terms of supervision that promote and ensure public safety and positive youth development.



DCF's **strategic plan** encompasses this vision for accountability:

- Ensure that youth who enter the system are held accountable in a way that allows them to repair harm and learn from their mistakes.

Accountability Process



Background

Wisconsin's Juvenile Justice Code is grounded in the Balanced and Restorative Justice (BARJ) approach.

Wisconsin State Statutes,
Chapter 938.01.
Juvenile Justice Code:
Legislative Intent.

"It is the intent of the legislature to promote a juvenile justice system capable of dealing with the problem of juvenile delinquency, a system which will protect the community, impose accountability for violations of law and equip juvenile offenders with competencies to live responsibly and productively."

This legislative purpose echoes the essence of the [Balanced and Restorative Justice \(BARJ\)](#) approach to accountability, set forth by the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP).



OJJDP offers [detailed guidance](#) on what accountability looks like in the BARJ model. This guidance is summarized below.

What is the BARJ Approach to Accountability?

- This approach includes attention to each of three components: accountability, competency development, and community safety.
- "Accountability in the BARJ Model takes different forms than in the traditional juvenile justice system. Accountability in most juvenile justice systems is interpreted as punishment or adherence to a set of rules laid down by the system. However, neither being punished nor following a set of rules involves taking full responsibility for behavior or making repairs for the harm caused."

Accountability is:

- **Repairing harm:** "To be accountable for behavior is to answer to individuals who are affected by the behavior."
- **An opportunity to learn and grow:** "To fully acknowledge responsibility for harm to others is ... a process that opens up the opportunity for personal growth that may reduce the likelihood of repeating the harmful behavior."
- **About the process as much as the actions:** "In the BARJ Model, accountability goals are often met through the process itself as much as through actions decided by the process."
- **Most effective with a support system:** "It is difficult to accept full responsibility for harming others without a support system in place and a sense that there will be an opportunity to gain acceptance in the community. Therefore, accountability and support must go hand in hand."

Program Spotlight

Waushara County | JOBS program



The Juvenile Offenders Building Skills (JOBS) program began serving Waushara County youth in January 2014. Based on the Balanced and Restorative Justice (BARJ) approach, Waushara County's JOBS program emphasizes reducing youths' barriers to employment and building youth competencies. The JOBS program serves youth, ages 14-17, who have restitution and other court-ordered expenses.

Program youth complete a curriculum which includes personal reflection, job skills training, and role playing to demonstrate skill acquisition. JOBS Program staff mentor and assist youth in identifying personal strengths, completing job applications and interviewing with private sector employers or subsidized worksites at local non-profits. Flexible funding is used to address employment barriers such as obtaining birth certificates; ID's and work permits; transportation; and appropriate work attire as needed. Youth in the JOBS program not only earn money to pay their restitution obligations, but they are able to take home a portion of their income as well. Staff report that the JOBS program empowers youth and provides them with the skills they will need to successfully obtain/maintain employment in their communities and demonstrate accountability for their actions.

From January 2014 – June 2016, 15 youth participated in the program. Fourteen of the fifteen participating youth successfully completed the JOBS program and satisfied their restitution/court expense obligations. Half were employed in the private sector at the time of discharge. 87% of JOBS program graduates did not receive subsequent law referrals.

❖ For more information about Waushara County's JOBS program, please contact [Lindsay Campbell](#) or [Jan Novak](#).



Every issue brief will showcase promising programs in the state related to the topic area.

Manitowoc County | Restorative Justice Program and Youth Wellness Center



Manitowoc County embraces a balanced and restorative justice approach in working with youth. Youth can be referred to the [Restorative Justice Program](#) as part of a court agreement, for restitution, community service and victim-offender mediation/conferencing. Individualized planning takes into consideration the youth's risk level, treatment needs and responsivity factors.

❖ For more information about Manitowoc County's Restorative Justice program, please contact [Judy Wiesbrook](#).



❖ For more information about Manitowoc's Youth Wellness Center, please contact [Thomas Mann](#). An informational brochure can be viewed [here](#).

Manitowoc County opened its [Youth Wellness Center \(YWC\)](#) in 2011 and closed its detention center in 2012. The YWC is an after school report center that serves as an alternative to detention. Youth referred to the YWC work on identified competency need areas including thought patterns, skill deficits, healthy and supportive family and friend relationships, substance abuse, academics, work, pro-social leisure activities and independent living skills. The YWC provides opportunities for youth to work on a variety of skill-building activities to encourage the development of positive personal strengths and goals. Youth typically receive referrals for services in five day increments, and serve either 5, 10 or 15 successful days. A successful day at the YWC means that the youth was present, participated to the best of his/her ability and positively impacted the group. The YWC staff use incentives and rewards with the youth and strive to maintain an open and inviting environment so that youth view the YWC as a positive place and have a positive experience while there.

Research You Can Use



Every issue brief will contain links to notable research related to the topic area. We hope you will read the research and use what you learn in your own work.

| Accountability is... | Supporting Research |
|---|---|
| <p>More effective at addressing public safety and victim needs when it uses a restorative justice approach</p> | <p>The results of a meta-analysis of restorative justice practices provide notable support for the effectiveness of these programs in increasing offender/victim satisfaction and restitution compliance, and decreasing offender recidivism.</p> <ul style="list-style-type: none"> ❖ Latimer, J., Dowden, C. & Muise, D. (2005), The Effectiveness of Restorative Justice Practices: A Meta-Analysis. <p>Use of restorative justice programs in juvenile justice shows promise for reducing future delinquent behavior, as well as multiple benefits to victims, including greater satisfaction with these programs than traditional approaches to juvenile justice.</p> <ul style="list-style-type: none"> ❖ Wilson, D., Olaghere A. & Kimbrell, C. (2017), Effectiveness of Restorative Justice Principles in Juvenile Justice: A Meta-Analysis, Office of Justice Programs' National Criminal Justice Reference Service. <p>There is no research to support the use of detention for accountability. In fact, "there is credible and significant research that suggests that the experience of detention may make it more likely that youth will continue to engage in delinquent behavior, and that the detention experience may increase the odds that youth will recidivate, further compromising public safety."</p> <ul style="list-style-type: none"> ❖ Homan, B. & Ziedenberg, J., Justice Policy Institute (2006), The Dangers of Detention. |
| <p>Repairing harm</p> | <p>"Saying that youth should be held accountable is not the same as saying that they should be punished.... holding adolescents accountable for their offending vindicates the just expectation of society that responsible offenders will be answerable for wrongdoing, particularly for conduct that causes harm to identifiable victims, and that corrective action will be taken. It does not follow, however, that the mechanisms of accountability are punitive or that they should mimic criminal punishments. Condemnation, control, and lengthy confinement, the identifying attributes of criminal punishment, are not necessary features of accountability for juveniles, and should be avoided except in the rare instances when confinement is necessary to protect society."</p> <ul style="list-style-type: none"> ❖ Reforming Juvenile Justice: A Developmental Approach. Washington, DC: The National Academies Press (2013), "Accountability and Fairness," p. 184. |
| <p>An opportunity to learn and grow</p> | <p>Accountability practices in juvenile justice should be designed specifically for juvenile justice rather than being carried over from the criminal courts and should be designed to promote healthy social learning, moral development, and legal socialization during adolescence.</p> <ul style="list-style-type: none"> ❖ Reforming Juvenile Justice: A Developmental Approach. Washington, DC: The National Academies Press (2013), "Accountability and Fairness," p. 185. |
| <p>About the process as much as the actions</p> | <p>Research shows that a sense of procedural fairness is linked to instilling a sense of responsibility for actions in adolescents. If a youth doesn't think the process is fair, they won't accept it or internalize what it's trying to teach them. As such, procedures for holding youth accountable should pay attention to procedural fairness.</p> <p>Reforming Juvenile Justice: A Developmental Approach. Washington, DC: The National Academies Press (2013), "Accountability and Fairness," p. 192.</p> <p>Research shows that adolescents' perceptions of procedural fairness are based on:</p> <ul style="list-style-type: none"> • the degree to which they were given the opportunity to express their feelings or concerns, • the neutrality and fact-based quality of the decision making process, • whether the youth was treated with respect and politeness, and • whether the authorities appeared to be acting out of benevolent and caring motives. <ul style="list-style-type: none"> ❖ Fagen, J.A., and Tyler, T. (2005). Legal socialization of children and adolescents. Social Justice Research, 18(3), 217-241. |
| <p>Most effective with a support system</p> | <p>Restorative accountability practices that provide opportunities for community integration and a support system are most meaningful. For example, "community service is more meaningful when community volunteers assist with the identification, development, and completion of community service projects, including the monitoring, supervision, and mentoring of offenders."</p> <ul style="list-style-type: none"> ❖ Thomas, D. & Hunninen, M. (March 2008), National Center for Juvenile Justice, Making Things Right: Meaningful Community Service for Juvenile Offenders. |



Every issue brief will contain data specific to Wisconsin related to the topic area. Data will include statistics and qualitative data like youth input.



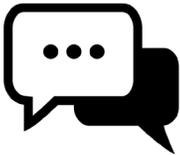
THE NUMBERS

Between July 2015 to June 2016 there were

1,516

72-hour holds used for accountability purposes.

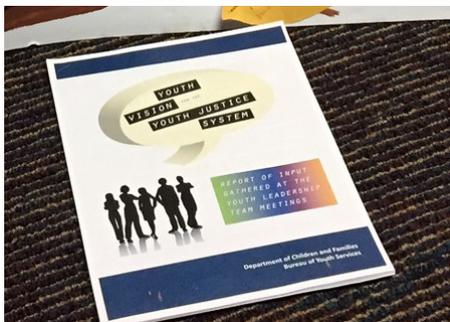
Detention costs range from \$100-195 per night in all counties except for Milwaukee, which is \$300 per night.



THE VOICES

Below are thoughts youth were willing to share with us about their experiences with accountability. Youth shared their stories in hopes of improving the system for future young people.

“Giving someone a punishment without asking why doesn’t help. It takes literally two seconds to ask someone the word ‘why?’ Understanding why something happened will help more than punishing.”



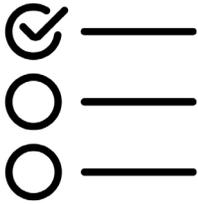
“72-hour holds don’t work - they just make you more angry and you’re going to hate the world and change as a person.”

“If you don’t get help when you’re young then you won’t expect it when you’re older.”

“Don’t use detention for truancy. Kids should not be put in jail unless they do a crime - not for status offenses.”

❖ For more youth voice, see DCF’s [“Youth Vision for the Youth Justice System”](#) report.

Action Steps



In each issue brief, we will provide some actionable steps you can take to evaluate your own practices. This section walks you through the process of thinking about your current approaches to accountability and whether they are fully in line with the research and other model practices.

If you do not currently use any of the approaches below, this may also help you think about how to develop these approaches in your community.

| Approaches | Questions to Ask |
|--|--|
| Restitution | <ul style="list-style-type: none"> ✓ Are youth given reasonable restitution orders? ✓ Are youth supported in their efforts to make restitution? (for example, through subsidized employment programs) ✓ Are youth and/or victims given a chance to have input into how best to repair harm? |
| Community Service | <ul style="list-style-type: none"> ✓ Are community service orders related to the offense? ✓ Is the service completed in the youth's own community? ✓ Is community service meaningful work that involves groups of youth and adult community members? ✓ Do youth have the opportunity to gain competencies through their community service? |
| Victim-offender meditation/ conferencing or restorative circles | <ul style="list-style-type: none"> ✓ Are victims given the opportunity to participate in mediation? ✓ Is a mediation/conferencing program available that utilizes community volunteers? ✓ Do youth increase their awareness of harm to any victims? |

For more information on this issue brief, please contact:

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Icons from [Noun Project](#), created by: Alberto Gongora, Aneeque Ahmed, Bernar Novalyi, Cengiz Sari, Gan Khoon Lay, Gregor Cresnar, Guilherme Simoes, Karen Tyler, Ludovic Gicqueau, Shashank Singh, Viktor Vorobyev, Yu Luck.

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