

REPORT

Solutions and Interventions for
Reducing Justice Involvement and
Recidivism among Black Youth in
South Florida and Beyond

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ABOUT THE NATIONAL TECHNICAL ASSISTANCE NETWORK FOR CHILDREN'S BEHAVIORAL HEALTH

The National Technical Assistance Network for Children's Behavioral Health (TA Network) operates the National Training and Technical Assistance Center for Child, Youth, and Family Mental Health (NTTAC), funded by the Substance Abuse and Mental Health Services Administration, Child, Adolescent and Family Branch. The TA Network partners with states, tribes, territories, and communities to develop the most effective and sustainable systems of care possible with and for the benefit of children and youth with behavioral health needs and their families. The TA Network provides technical assistance and support across the country to state and local agencies, including youth and family leadership organizations.

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Executive Summary

This TA Tool was created in response to Broward County OCP2's request for technical assistance in the field of cultural competence and reducing disproportionate black youth involvement in the juvenile justice system. This report seeks to provide background information regarding the issue and then provides information regarding different approaches for dealing with the disproportionate representation of black youth in the juvenile justice system. It concludes with specific recommendations for behavioral health agencies to apply in their communities.

Background

Since the early to mid-1990's, growing attention has been placed on the disproportionate number of Black youth involved in the Justice System (Coalition for Juvenile Justice, 2016). According to the US Census Bureau (2006), African Americans represent 15.4% of the national youth population; however, they make up 26% of juvenile arrests, 44% of detainments, and 58% of the youth admitted to state prisons (Coalition for Juvenile Justice, 2007). Similarly, the arrest rate of Black youth (between the ages of 10-17) is nearly twice the rate of their peers (Office of Juvenile Justice and Delinquency Prevention, 2006).

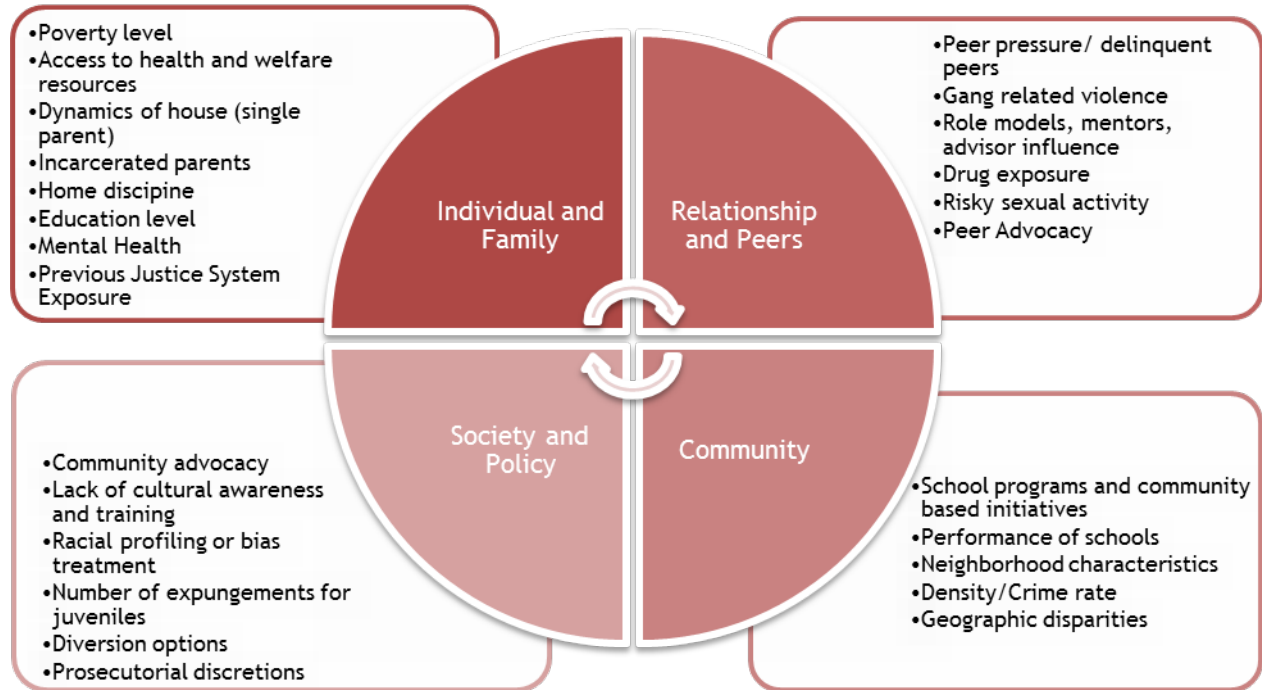
The issue of disproportionate representation of minority youth in the juvenile justice system first received national attention in 1988, when the Coalition for Juvenile Justice reported the problem to Congress in an annual report (Soler & Garry, 2009). Since that time, Congress and the federal government have undertaken several initiatives to address the issue. In 1992, Congress passed a law that requires states to make Disproportionate Minority Contact a core requirement of their Disproportionate Minority Contact plan. In 2002, Congress voted to withhold 20 percent of the state's grant allocation if the state did not address the issue. To meet this requirement, states must now implement prevention and system improvement efforts to lower the rate of contact of minorities with the justice system (US Department of Justice, 2016). The federal government has created the Relative Rate Index (RRI) to measure progress in this area (The Sentencing Project, 2015). States must submit an analysis to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) when the RRI exceeds 1.0 for minorities tracked by RRI. Despite these initiatives, states and localities continue to face challenges in reducing the disproportionate number of minority youth in the justice system in methods that are strategic, effective, and enduring (Cabaniss, Frabutt, Kendrick, & Arbuckle, 2006).

The purpose of this report is to present solutions and interventions for reducing Black youth involvement with the Justice system. As such, the report presents risk factors for this population in entering the justice system, as well as some strategies to prevent reentry to the system. This is followed by a review of the relevant literature and current practices that are used in response to the call of the Coalition for Juvenile Justice (2016). The literature and targeted efforts to address this issue are synthesized into a table that presents solutions and interventions that may be implemented in South Florida and beyond.

Risk Factors

Empirical literature suggests that a social-ecological theory (Bronfenbrenner, 1977) best explains juvenile offending, meaning that risk factors are determined by an interplay of individual characteristics and key social systems, such as family, school, peer groups, neighborhood, and community (Tarolla et al., 2002). Using an ecological theory perspective, it is clear that youth have varying risks for first offense, likelihood of getting arrested, and recidivism based on their social systems. These, varying by social systems, are seen in Figure 1.

Figure 1. Risk Factors of Justice System Contact among Youth



When looking specifically at Black and White youth in similar contexts, research has been explored to examine specific differences. For example, gender, poverty (eligibility for free or reduced lunch), school identification of emotional, behavioral, or learning challenges, and placement in Child Protective Services were predictors of juvenile recidivism for all youth. There were some differences between Black and White youth that produced more significant interactions in the data. For instance, gender, poverty, and school identification of emotional or behavioral disorders were more significant predictors for Black youth recidivism than White youth, while mental health history and characteristics of first offense were stronger for White youth than Black youth (Barrett & Katsyannis, 2015).

Interventions and Best Practices to Address Juvenile Contact with the Justice System

Understanding the context of risks for first offense and continual involvement (or re-entry) with the justice system is key to identifying best practices for addressing disproportionate involvement of Black youth in the justice system. Therefore, in examining possible best practices we apply the ecological theory to better assess contact. This section explores intervention programs to address disproportionate minority contact with the justice system in various social system levels: individualized/family initiatives, community based initiatives, agency/system initiatives, and policy initiatives, and are seen in Table 1.

Table 1. Approaches for Addressing Disproportionate Numbers of Black Youth in the Justice System Using an Ecological Framework

Level	Interventions/ Programs/ Topics	Best Practices	Source
Individualized/ Family Initiatives	Personal Growth Model	<p>Models or approaches that can offer comprehensive services that are individualized for at risk youth have been found to be beneficial in various nonprofit organizations. One such example is AMIKids. AMIKids is a day treatment program with an aftercare component serving teens from ages 14-18 that have been referred by the Justice Department of Juvenile Justice or Orange County Schools. The program provides comprehensive services to at risk youth through the AMIKids personal growth model.</p> <p>The personal growth model (PGM) incorporates treatment, behavior modification, and education. The PGM can be applied in different service settings and include residential, day treatment, alternative school programs, home-based counseling and interventions. It is a treatment approach for youth who have specific at risk issues (family issues, at risk for dropping out of school, have demonstrated behavior that could lead to offenses, have been adjudicated and sent to day treatment or residential programs) and is created to target and reduce risk factors that lead to negative behavior and academic failure, and improve program completion and academic rates.</p>	Amikids.org
	Behavioral Health model/Training	<p>Because youth in the juvenile justice system have mental health issues that are over three times higher than the general youth population (Merikangas et al., 2010), it is essential to address behavioral health in reduction efforts of Black youth involvement in the Juvenile Justice System. Advancements have been made in creating improved screening tools that may assist with identifying Black youth that may have cognitive or behavioral issues, including new evidence-based and cost effective interventions and treatment programs that produce positive results, and adolescent brain research that has increased understanding on youth development and capacity for change.</p> <p>A best practice is to identify resource centers such as the National Center for Mental Health and Juvenile Justice and incorporate their resources into community based and system level initiatives to identify these youth and address needs outside of the Juvenile Justice system whenever possible.</p>	Merikangas et al., 2010; Shufelt & Cocozza. 2006
	Parent/Social Skills Training	<p>Parent and social skills training are emergent approaches that center on ideas that parents can be taught to positively change behaviors of their children, or that youth can be taught skills that can alter negative behavior. Techniques in this approach may include psychoeducational parent training, prosocial behavior modeling and instruction, anger control, problem-solving skills, resisting peer pressure, and others.</p> <p>Other trainings and skills necessary for families are for maneuvering through the legality of having a youth family member in the system. This process can be intimidating and demoralizing, and can create a barrier to family assistance and involvement. It is important that family members are well equipped and know how to navigate the legal system and court process.</p>	Tarolla, Wagner, Rabinowitz, & Tubman, 2002
Relationship/ Peer Level Initiatives	Mentoring with advocacy	Mentoring programs that incorporate teaching and advocacy as a part of the mentor role have a greater impact on positive youth outcomes among Black youth. Successful programs geared towards Black youth tend to be most effective in the non-traditional sense. They differ in three ultimate ways: it is not in a 1-on-1 setting or strategy, the focus is on positivity and productive future (rather than a friend or buddy), and attention is placed on ensuring mentors are trained in cultural competence.	DuBois et al, 2011; Jarjoura, 2013

	<p>Outdoor Programs/Therapeutic Wilderness Programs/Boot Camps</p>	<p>Various outdoor programs, such as therapeutic wilderness programs, have been used to reduce the involvement of youth with the juvenile justice system by providing an alternative to arrest and incarceration. Advocates of wilderness programs posit that responsible, competent behavior in challenging circumstances in a wilderness setting, accompanied by appropriate support and guidance, can transcend to positive behaviors outside of a wilderness setting and can ultimately produce higher levels of self-concept, less social alienation, increase problem solving skills, and enhance personal control. Studies have found that the most influential variables in the program were therapy, shorter duration programs, and intense physical activities.</p> <p>There has also been relatively new use of boot camps for juvenile offenders over the past two decades, which are patterned after military training. Research has been limited in terms of their effectiveness, although because these programs do not always address certain behavior problems and risks, they may not be as effective in reducing recidivism.</p>	<p>Castellano & Soderstrom, 1992; Tarolla, Wagner, Rabinowitz, & Tubman, 2002; Wilson & Lipsey 2000</p>
<p>Community Level Initiatives</p>	<p>Cultural competency training</p>	<p>Training on cultural competency is essential to better understanding disparities and the contexts of at risk Black youth in the system. It is also necessary for juvenile justice decision makers, and key staff of the education and juvenile justice system. For example, trainings within law enforcement agencies have been shown to heighten awareness of the disproportionate number of Black youth in the system, better understand an agency's expectations of officers interacting with minority youth, and divert youth who may otherwise be routinely entered into the juvenile justice system.</p>	<p>Cabaniss et al., 2007; Hoytt et al., 2002; Nellis, 2005</p>
	<p>Community mental health courts</p>	<p>Community mental health courts for youth (or Juvenile mental health courts) can be an alternative of case processing and disposition of youth needing mental health. They have distinctive features, such as a judge recognizing failures of case processing in meeting public safety, but their primary goals are to assist in the unique needs of youth with mental disorders who are involved in the justice system and assist individuals and families with diagnostic and treatment challenges. They were created because of the lack of systematically collected outcome data.</p>	<p>Callahan et al., 2012; National Institute of Mental Health and Juvenile Justice, 2016</p>
	<p>Anti-gang Programming</p>	<p>The risk factors among gang involvement are similar to those of justice involvement among youth: antisocial behavior, alcohol and drug use, mental health issues, victimization, and negative life events. Communities can build gang prevention and intervention services that are informative and promising strategies to reduce youth involvement in gang activity, and thus reduce justice involvement. First, communities should understand the behavior of their youth through a systematic assessment of troubling behavior. Then, they can create a plan of action. This process involves families and schools, community supervision, teacher, and parenting training and interpersonal skills lessons for youth.</p> <p>More information on gang prevention is found at the National Gang Center Website (www.nationalgangcenter.gov/Publications)</p>	<p>Howell, 2010</p>
	<p>Preventative Model (School/Education)</p>	<p>Preventative Models focus on identifying at risk Black youth for entering the Justice system prior to involvement with law enforcement or criminal activities. The majority of these models focus on the school level, such as with therapists at high schools to help in identifying risk factors like trauma and mental illness. Historically, preventative programs aimed at reducing or preventing juvenile delinquency and interaction with the justice system have been unsuccessful. Thus, it is relevant and necessary to integrate other community-based alternatives with this approach.</p>	<p>Zigler, Taussig, & Black, 1992</p>

	<p>Community based alternatives</p>	<p>Community based alternatives for detention and immediate juvenile justice system involvement may not always be the best option and can offer several advantages. For example, in Aos et al. (2004) found that individual and family therapy saved taxpayers as much as over 30,000 dollars per youth enrolled over such programs as probation and parole. Alternatives may include house arrest with probation officers or other supervisors, structured day programs, shelters, or other types of supervisory programs.</p> <p>Alternative programs may include nonprofit organizations' program initiatives that offer partnering with agencies that can connect youth to programs that celebrate African American culture and specialize in providing culturally competent African American mentors and role models.</p>	<p>Jarjoura, 2013; Aos et al., 20014</p>
	<p>Restorative justice model</p>	<p>Literature has suggested that a restorative justice model is much more useful than other punitive and disciplinary strategies and policies and can be useful for redefining collaboration among school educators and justice professionals as a viable strategy for keeping minority students from re-entering the justice system. Restorative justice focuses on the needs of victims and offenders (rather than punishing the offender) and among the youth population can promote healthy, caring, and respectful relationships between students and their teachers and administrators, and can help with nonviolently responding to problems and collaboratively working to solve problems. It allows the youth to feel participatory in their community, develop skills and to interact with pro-social role models.</p>	<p>Cavanagh, 2009; Schiff, 2013</p>
	<p>Systems approach/Decision point mapping</p>	<p>A systems approach has been used at the Justice system level and school system level in reducing and understanding the number of Black youth and disparities in the Justice System. A systems approach aims to establish coordinating groups to oversee disparity reduction efforts, and specifically identifies key points that are creating the disparities in the system. A system is created that can assess data at different points of contact within the justice system to help understand where the disparities exist. A plan with measurable objectives is then created to inform policy and practice. Finally, findings are reported and efforts made to reduce disparities should be reported regularly. A systems approach can help in decision point mapping, and may assist in removing subjectivity in decision making (by examining data at key decision points that have a negative effect on Black youth).</p>	<p>Cabaniss et al., 2007</p>
	<p>Criminal Justice Change</p>	<p>Risk assessment instruments, intake instruments and criminal justice policies must be reviewed to ensure they are not outdated and seen as clear among schools and the criminal justice system. Using outdated and unclear instruments to make decisions can perpetuate race bias, seem arbitrary, and unfair. These practices can perpetuate the issue of social injustice towards the Black youth population.</p>	<p>Cabaniss et al., 2007</p>
<p>Policy/Societal Initiatives</p>	<p>Community and Leadership conversations on social inequities</p>	<p>It is absolutely essential to have a larger conversation about race relations and offer a cultural context for how the current numbers are truly reflected in the policies that govern youth.</p> <p>This can improve the conversations that exist on diversity and social inequities that exist throughout communities and societies. The discussions of race and crime are an important part of understanding the context in which these disparities exist. These issues are sensitive, controversial, and often elicit stereotypes and other strong opinions. It is important to note that attitudes of individuals can distort the view of the juvenile justice system, which comes from community members and even the media. These attitudes can be a benefit or a barrier to reduction efforts for disproportionate minority youth contact with justice systems. For example, some polls have showed that the public is fearful</p>	<p>Butts, 1999; Soler, 2001; Soler & Garry, 2009</p>

		<p>about juvenile crime (Soler, 2001), that youth have committed past crimes will commit future crimes thus the juvenile justice system is ineffective (Butts, 1999), there is widespread panic on accountability on the system for letting offenders back on the streets without effective rehabilitation, and that delinquent behavior is a result of immaturity. These beliefs can create challenges for reduction efforts at various levels of the system that directly impact policy change (Soler & Garry, 2009).</p> <p>One initiative that may be considered are charter schools, which may allow youth to attend educational institutions outside of their own neighborhood to decrease clusters of racial and ethnic minorities and have similar educational experiences as in their disadvantaged communities.</p>	
	Record Expungement	<p>Florida Statutes 943.059 details the court ordered sealing of criminal history records. A recommendation may be made for amendments to this statute for the ease of expungement process for juveniles. The process may be seen as overly complex for disadvantaged youth in having their records expunged. A community conversation should be had with policy makers on revisiting this statute, and possibly suggest alternatives or ease of expungement processes, such as automatic expungement for non-violent offenses made before the age of 15, or reducing the number of crimes that fall under disallowed offenses for an expungement for youth under age 18.</p>	Florida Statutes § 943.059.; Irving, 2016
	Community Policing	<p>Because research has found that minorities are more likely to be singled out by the justice system, and police officers have struggled with building trust in their communities, an alternative to be considered is use of community policing. Community policing involves community based partnerships, organizational transformation, and problem solving, and has been used and found effective in south Florida and beyond. Community partnerships with the community and community based organizations can solve public safety problems collaboratively and build trust and social capital. Organizational transformation is required, as there is a shift in agency management, geographic assignment of officers, de-specialization, and resources, personnel, and IT. Lastly it involves problem solving, or reconsidering how problems are identified, and evaluating effective solutions.</p>	Horowitz, 2007; National Institute of Justice, 2016; Office of Community Oriented Policing Services, 2016
	Alternatives to Incarceration (ATI)	<p>There are other alternatives seen in the literature and in practice that include increasing judicial discretion in sentencing juveniles to ATI programming. These alternatives may be particularly beneficial when youth have a substance abuse or mental health issue.</p>	Clark, 2014; Florida Department of Justice , 2012
		<p>Youth in adult facilities are at a greater risk of experiencing (or witnessing) violence, sexual assault, and suicide. Further, adult facilities sometimes mean youth are farther from their families and may not receive age appropriate educational programming.</p> <p>Florida leads the nation with charging youth as adults, which means they are more subjected to being victimized. Florida's "direct file" statue is that juveniles who are charged as adults are held in pretrial in adult facilities. This allows prosecutors discretion to move cases to adult court before hearing a judge, which may be a racially biased practice, as Black youth account for more than half of these transfers to adult facilities, even though they make up only 27% of the youth in the justice system.</p>	The Marshall Project, 2015

Recommendations for Behavioral Health Agencies

Recognizing that addressing justice disparities in minority youth populations may require difficult community conversations on racial and ethnic relations, among other social injustices (Cabaniss et al., 2006), better recommendations can be made for culturally responsive and inclusive decision making that may improve the issue in South Florida and beyond. Thus, the following recommendations are made to address the disparities seen in the juvenile justice spotlight over the past 25 years:

1. Recognize the issue of disproportionate minority youth in the justice system.

The first step in making change in communities is recognizing that a disparity exists and understanding the root cause of the disparity. The political environment and legacy of “racial social cleavages”, or stratification levels among races that comes from the presence of an economically disadvantaged group can help understand incarceration rates among different races (Smith, 2004, p. 925). These cleavages can lead to social inequities, such as the disproportionate rate of incarceration among Black youth, and lead to civil unrest and racial tensions. Communities must improve their conversation on diversity by helping groups and individuals recognize the disparity issues that exist and empower youth who may be seeking behavioral health care.

2. Change the conversation through education.

A conversation must be had to inform community members and community based organizations of racial, ethnic, and cultural biases that exist and are negatively impacting communities and creating disparities. In order to change the conversation so that these issues are recognized and individuals are informed, or progress communities, individuals and community based agencies and their staff must learn to become more aware of their own biases so that they can better understand and recognize the differences of other individuals. This happens through recognition of the issue, cultural competence and sensitivity trainings, and education. These trainings and conversations should be had among community-based agencies to have a more enlightened and realistic conversation that is as free of cultural, racial, or ethnic bias. These conversations should then be shared to permeate and inform schools and the justice system to help with advocacy initiatives.

3. Identify risks.

In order to address the issue within the behavioral health context, community members, researchers, educators, behavioral health and other health practitioners, policy makers, and the criminal justice system must be aware of certain risks and at risk behaviors. The literature suggests that the risks among Black youth may include, but are not limited to gender, poverty, emotional, behavioral, or learning challenges, and placement in Child Protective Services. Risks vary by individual and are determined by various social systems, such as individual and family beliefs, peer groups, neighborhoods, and communities (Tarolla et al., 2002). In the behavioral health context, these risks may be seen in intake and service delivery. Organizations should ensure risk information is collected and assessed to best serve this population.

4. Develop community-based initiatives and conduct systematic community assessments of troubling behavior and create a plan of action.

Because the issue transcends any one political system and any one community, it must be addressed through initiatives that reach beyond one community, one program and one organization. Different communities, education systems, community health practitioners, and the criminal justice system must be involved in these coalition building, community-based initiatives. It is vital to include community stakeholders in the collaborative process to add credibility to evaluations and to design a valid and

reliable evaluation system for outcomes of youth in the juvenile justice system (Brown, Maxwell, DeJesus, & Schrialdi, 2002).

5. Increase gang prevention initiatives.

Gang prevention should be one of the community-based initiatives that are focused on in communities, with involvement from behavioral health agencies. The process should involve at risk youth, families, community supervision, teacher and parenting training, and interpersonal skills lessons. Resources from the National Gang Center website can help communities begin or enhance these initiatives.

6. Reduce prosecutorial discretion to transfer youth to adult courts.

A community conversation with policy makers should be had on transferring youth to adult courts, including when or if this practice is appropriate. Community health organizations should be advocates for at risk Black youth who are not a threat to society, which helps to address disproportionate minority contact in our communities.

7. Become an advocate for juvenile mental health courts.

Behavioral health practitioners must become an advocate for juvenile mental health courts. Using multidisciplinary teams, including behavioral health workers, school affiliates, family members, and justice involvement, to coordinate community services to youth with mental health system in the justice system can prevent protracted involvement.

8. Increase the number of allowable offenses for expungement.

Policy makers and community members should advocate to revisit the number of allowable offenses for expungement, and possibly suggest alternatives or ease of expungement processes, such as automatic expungement for non-violent offenses made before the age of 15, or reducing the number of crimes that fall under disallowed offenses for an expungement for youth under age 18.

9. Increase the number of allowable offenses for expungement.

Those who interact with Black youth on a daily basis must help form an individualized approach for identifying at risk Black youth and to keep them out of the justice system.

10. Focus on key decision point mapping.

An effective strategy has been a systems approach, where key points in the system are considered to help identify disparities. In decision point mapping, information can be collected and evaluated at each decision point that the system has shown has failed Black youth to help identify where the disparity exists. Then, plans can be made for change with measurable objectives. Plans should be revisited on a regular basis, and findings should be presented to organizations, agencies, and schools on progress.

11. Use findings to inform policy and practice to achieve social justice.

By collecting data from decision point mapping and community based initiatives, empirical support for policy development can be shared with decision makers to make larger scale change. Further, it is crucial that behavioral health workers and community members ensure policymakers are also actively involved in addressing the issue. Some of the most successful sites where juvenile justice reform has taken place are locations where behavioral health workers and policymakers have clearly and forcefully embraced change and encouraged others to join them in the process (Hoytt et al., 2002).

Additional Resources

Florida Department of Juvenile Justice: <http://www.djj.state.fl.us/services/probation>

FrameWorks Institute: <http://www.frameworksinstitute.org/>

Talking Juvenile Justice Reform from FrameWorks Institute:
http://www.frameworksinstitute.org/assets/files/juvenilejusticereform_mm_2015.pdf

The Sentencing Project Policy Brief: <http://www.sentencingproject.org/wp-content/uploads/2015/11/Disproportionate-Minority-Contact-in-the-Juvenile-Justice-System.pdf>

National Center for Mental Health and Juvenile Justice: <http://www.ncmhjj.com/projects/current-projects/juvenile-mental-health-court-evaluation/>

US Department of Justice Report 2009: <https://www.ncjrs.gov/pdffiles1/ojdp/218861.pdf>

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