

Judicial Decision-Making for High-Risk Youth

Judges play a key role in improving public safety by making research-based decisions about supervision and services for high-risk youth. This bench card provides research-based guidance and quick reference points along a delinquency case continuum to reduce recidivism and promote positive outcomes for young people at high risk for reoffending or committing serious offenses.

- **Determination of High Risk**
- **Detention Decisions for High-Risk Youth**
- **Dispositional Decisions for High-Risk Youth**
- **Promoting Effective Supervision and Services for High-Risk Youth**

Determination of High Risk

DO

- ✓ Use **validated risk assessment tools** administered by trained professionals, including a **separate sex offender risk assessment** for youth charged with sex offenses.
- ✓ Focus on **dynamic** (changeable) rather than static (unchangeable) risk factors and prioritize those that are **most predictive** of risk.
- ✓ Consider **protective factors** as having potential to mitigate risk (especially self-control and self-efficacy).

DON'T

- ✗ Don't rely on **offense type or severity, demographics, or subjective factors**.
- ✗ Don't confuse **mental health needs** with risk, as youth's mental health is not predictive of their risk to reoffend.

Detention Decisions for High-Risk Youth

DO

- ✓ Use **validated detention screening tools** to measure public safety and flight risk.
- ✓ Solely consider **public safety and flight risk** as reasons (but not a requirement) to detain.
- ✓ Eliminate or severely limit screening overrides and allow only with clear public safety criteria and judicial discretion **with safeguards**.

- ✓ Encourage and support the establishment of a **continuum of detention alternatives** (e.g., shelters, mentoring, reporting centers) that are equipped to work with high-risk youth.

DON'T

- ✗ Don't detain solely based on offense seriousness.
- ✗ Don't use detention for family, service, self-protection, or "accountability" reasons or "to teach the youth a lesson."
- ✗ Don't presume youth identified as high risk must automatically be detained.

Dispositional Decisions for High-Risk Youth

DO

- ✓ Prioritize **community-based interventions** over placement if youth are not an imminent risk to themselves or the community.
- ✓ Align probation conditions with **areas of greatest public safety risk** as identified by a validated risk assessment.
- ✓ Engage youth directly in **victim mediation and restorative practices** to repair any harm caused and improve outcomes for both responsible and harmed parties.
- ✓ Ensure any specific programming or services included in dispositions **directly address risk factors identified in predisposition risk assessments**.

DON'T

- ✗ Don't assume all high-risk youth need placement, including nonsecure placements.
- ✗ Don't arbitrarily increase conditions, lengths of probation over 12 months, or require intensive surveillance.
- ✗ Don't expect sanctions-based approaches to change behavior without appropriate and effective risk-reduction services.
- ✗ Don't expect the adult court system to meet the needs of or hold high-risk youth accountable more effectively than the juvenile system.

Promoting Effective Supervision and Services for High-Risk Youth

DO

- ✓ Hold probation and facilities accountable for case plans that address youth's **priority risk** factors and behavioral health needs.
- ✓ Focus court reviews on **risk factor reduction and treatment progress**, not compliance.
- ✓ Use **developmentally appropriate incentives and graduated responses**.
- ✓ Ensure youth receive **evidence-based risk-reduction services** such as cognitive behavioral and family therapy.
- ✓ Ensure that high-risk youth are prioritized for services, and that youth and families are **engaged in treatment** and receive an appropriate **"dosage" of services**.
- ✓ Support the use of evidence-based practices such as **credible messengers, peer supports, and violence interrupters**.

- ✓ Support **reduction of barriers** to service participation such as transportation.
- ✓ Use **data to measure program effectiveness and exert collaborative leadership** to expand services and supports for high-risk youth.

DON'T

- ✗ Don't emphasize probation condition compliance or frequent court reviews.
- ✗ Don't require services, drug testing, or other conditions that are unrelated to youth's individual risk factors for reoffending.
- ✗ Don't penalize youth (or families) or impose technical violations for slow or uneven progress—expect challenges to meeting case goals.
- ✗ Don't rely on punishment to drive change, such as detaining youth for noncompliance.



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Additional Information and Support

For additional information, research sources, and training support, see this research summary and contact **Christina Gilbert** (cgilbert@csg.org) at **The Council of State Governments Justice Center** and **Hunter Hurst** (hhurst@ncjfcj.org) at the **National Council of Juvenile and Family Court Judges**.