

The Annie E. Casey Foundation

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2008 KIDS COUNT Essay Message FACT SHEET: A Road Map for Juvenile Justice

In its 2008 KIDS COUNT Data Book, the Annie E. Casey Foundation essay focuses on juvenile justice reform. The essay notes that “Our nation’s current approach to juvenile justice is costly, discriminatory, dangerous, and ineffective. Fortunately, alternative policies, practices, and programs have emerged that have the potential to transform our juvenile justice systems and greatly improve the odds of success for troubled youth. Moreover, most of these alternatives have already been implemented effectively, providing a clear and compelling road map for reform.”

This FACT SHEET presents six key challenges and points toward solutions that are proven reforms to improve the outcomes of the juvenile justice system for youth, families, taxpayers and communities.

Challenge #1:

Trends in juvenile justice blur or ignore the well-established differences between youth and adults.

KEY FACTS

- Every year, roughly 200,000 youth under age 18 are tried in adult courts.
- During the 1990s, every state except Nebraska changed its laws to expand the number of youth tried in adult courts.
- According to several recent studies, youth tried in adult courts and punished in the adult corrections system go on to commit more subsequent crime – and more violent crime – than equivalent youth tried and punished in the juvenile system. Studies also show that adult-time-for-adult-crime laws do not deter youth from crime or lower youth offending rates.
- In November 2007, the U.S. Centers for Disease Control and Prevention (CDC) concluded: “Transferring juveniles to the adult system is counterproductive as a strategy for preventing or reducing violence.”

PROMISING SOLUTIONS

- Connecticut has passed legislation to increase the upper age of the juvenile court’s jurisdiction from 15 up to 17, which will allow 8,000 more youth per year to receive juvenile court services and avoid a criminal record. Several other states with a maximum juvenile age less than 17 have also launched campaigns to pass similar legislation.

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- In 2005, Illinois voted unanimously to repeal an adult-time-for-adult-crime law that required youth accused of drug crimes in or around public schools or housing projects to be transferred to the adult system. They did so after public hearings revealed that two-thirds of youth touched by the law were low-level offenders, and 97% were youth of color.

Challenge #2:

Indiscriminate and wholesale incarceration of juveniles is proving expensive, abusive, and bad for public safety.

KEY FACTS

- According to the most recent data, just 24% of incarcerated youth nationwide are guilty of violent felonies; 45% are guilty only probation violations; misdemeanors; or low-level charges unrelated to violence, weapons, or drug trafficking.
- Recidivism studies show that 50% to 80% of youth released from juvenile correctional facilities are rearrested within 2 to 3 years—even those who were not serious offenders prior to their commitment.
- Correctional confinement typically costs \$200 to \$300 per youth per day, far more than intensive home- and community-based treatment models that often show superior results in terms of recidivism.

PROMISING SOLUTIONS

- California has slashed the number of youth in state correctional facilities from more than 10,000 in the mid-1990s to 2,500 in 2007, and it's on track to reach 1,500 youth by 2010. In this period, California's youth crime rates have not increased either in absolute terms or relative to other states.
- In New York City, the Probation Department's Project Zero has enrolled more than 1,700 court-involved youth in new alternatives-to-incarceration programs since 2003. From 2004 to 2007, the number of incarcerated New York City youth declined 23%. Most youth in the new community supervision programs are remaining crime-free and avoiding subsequent placements, and city taxpayers have saved \$11 million.
- Casey's JDAI has also had a ripple effect on participating jurisdictions' overall use of confinement. For example, Cook County (Chicago), Illinois, has reduced the number of youth committed to state confinement from more than 900 in 1996 to 400 in 2006, and it has slashed the population in group homes and other residential treatment centers from a monthly average of 426 youth in 1996 to just 10 in 2007.

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INCARCERATION OF YOUTH IS PROVING ABUSIVE:

- According to the Associated Press, 13,000 cases of abuse were reported in juvenile institutions nationwide from 2004 to 2007.
- The U.S. Justice Department has filed suit to protest conditions at juvenile facilities in 11 states, and public interest lawyers have litigated conditions in many others.
- Missouri's juvenile correctional facility demonstrates that there are better ways to address incarceration – Missouri has not been the subject of litigation over conditions of confinement for more than 25 years. 70 % of Missouri's former wards avoid recommitment to any correctional setting 3 years after discharge, far better than most states, even though its costs are low compared with other states.

Challenge #3:

Juvenile justice systems too often ignore the crucial role of families in resolving delinquency.

KEY FACTS

- Of more than 600 models for preventing or treating youth violence reviewed by the Center for the Study and Prevention of Violence since 1996, the three to show significant positive results in repeated scientific trials work intensively with parents and other family members – not just with youth themselves.
 - Two of the three “blueprint” models provide intensive family therapy following strict, research-driven protocols, and the other temporarily places youth with specially trained foster families while counseling their parents.
 - All three blueprint models have dramatically lowered recidivism and future incarceration of treated youth in repeated trials.
 - All three cost far less than incarceration, and all three return several dollars in benefits for every dollar spent delivering services.
- In a recent three-state survey of parents with court-involved children, many reported feeling blamed or looked down on by the juvenile justice systems. Specifically, surveyed parents complained about being: excluded from legal decisions made on their children's behalf; alienated from the process by complex language and court procedures; frustrated by the failure of probation officers to reach out and keep them informed; and disappointed in the lack of support when youth re-integrate into the community following confinement.

PROMISING SOLUTIONS

- Nationwide, including both delinquent and non-delinquent teens, roughly 40,000 behaviorally-troubled young people per year now participate in the family-focused blueprint model treatment programs.

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- In Santa Cruz County, California, the local probation agency is using family conferences to develop correctional disposition plans in its most serious cases. Probation leaders report that family-driven plans are more comprehensive and more likely to be implemented than staff-driven plans. Recently, Santa Cruz also began hiring Family Partners to help families navigate the juvenile court and probation systems. These family engagement strategies have helped Santa Cruz reduced state commitments and residential placements by 71 percent in recent years.

Challenge #4:

The increasing propensity to prosecute minor cases in the juvenile justice system harms youth, with no benefit to public safety.

KEY FACTS

- From 1995 to 2004, the national juvenile arrest rate for serious property and violent crimes declined 45%, and the homicide arrest rate plummeted 70%. In this same period, the numbers of youth adjudicated delinquent, placed into secure detention, and sentenced to probation all grew nationwide. For instance, more than twice as many youth were adjudicated for disorderly conduct in 2004 than in 1995.
- Many youth prosecuted for minor crimes are sentenced to probation, from which they can easily end up in a detention or corrections facility if they violate probation rules. One of every nine youth in corrections facilities nationwide is committed for a technical (non-criminal) violation of probation rules.
- Thanks to the widespread adoption of “zero tolerance” policies in our nation’s schools, many juvenile courts have experienced substantial increases in delinquency cases originating from schools – including many for fist-fights and other commonplace behaviors that were once handled within those schools.

PROMISING SOLUTIONS

- In Clayton County, Georgia, school-originated delinquency cases increased tenfold (from fewer than 100 to approximately 1,100) from 1995 to 2003, as a result of zero tolerance policies. After the presiding juvenile court judge documented this alarming growth for school officials in 2004, the County developed a School Referral Reduction Program. Since then, school referrals to Clayton County’s delinquency court have decreased by more than 68 percent from record highs.
- In Multnomah County, Oregon, law enforcement officers were bringing almost 1,400 low-level offenders to the local detention center per year in the 1990s simply because they had no other place to take them. To remedy the problem, the County established a Juvenile Reception Center where caseworkers, rather than court or probation personnel, could speak with the youth, reunite them with their families, and refer them to appropriate services – sparing youth the trauma of locked detention and allowing police officers to quickly return to patrol duties.

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Challenge #5:

Juvenile justice is too often used as a dumping ground for youth who should be served by other public systems.

KEY FACTS

- Over the past 20 years, juvenile justice has become the primary referral for youths with mental health disorders in many states, due to the collapse of public mental health services for children and adolescents. In just 30 large counties nationwide, 9,000 adolescents entered the juvenile justice system in 2001 for the sole purpose of securing mental health treatment, referred by their own parents.
- Child welfare agencies often terminate services to adolescents in foster care who get arrested or adjudicated delinquent, leading these youth to suffer harsher outcomes than other court-involved teens. For example, in New York City, a 1998 study found that following arrest, foster youth were more likely to be detained than other youth.
- A disproportionate share of public school students referred to juvenile justice under zero tolerance policies are youth with educational disabilities, suggesting that schools are opting to prosecute rather than educate many students with special needs.

PROMISING SOLUTIONS

- In the late 1990s, half the youth in detention in Bernalillo County (Albuquerque), New Mexico—including many low-level offenders who posed little threat to public safety—required psychotropic medications. In response, local leaders established an outpatient mental health clinic to serve these youth more appropriately. The clinic helped Bernalillo reduce its detention population by 45 percent from 2000 to 2006, and the money saved reducing detention populations has been reallocated to sustain the clinic.
- In five Washington State counties, a legal advocacy project called TeamChild is reducing inappropriate referrals to juvenile justice. TeamChild staff document the mental health, special education, and other needs of youth at risk of delinquency referrals and help break down any barriers preventing them from accessing services. An early evaluation of TeamChild found that participants were 20 percent less likely than a control group to be arrested for a felony by age 25.
- After studies found that foster care youth in New York City were far more likely than other youth to be detained following arrest, the Vera Institute of Justice and the Administration for Children's Services launched *Project Confirm* in 2001 to identify and seek alternative placements for foster care youth entering detention. Among those accused of less serious offenses, the project has eliminated the disparity in detention rates for foster care and other youth.

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Challenge #6:

Systems policies and practices have allowed unequal justice to persist. *Racial disparities are pervasive in juvenile justice, and little is being done to correct them.*

KEY FACTS

- Surveys show that compared with white youth, African-American teens commit slightly more violent crime, about the same amount of property crime, and less drug crime. Yet African-American youth are arrested at dramatically higher rates than white youth for all types of crime.
- Once arrested, African-American teens are more likely to be detained than white youth; more likely to be formally charged in juvenile court; more likely to be placed into a locked correctional facility (and less likely to receive probation), once adjudicated; more likely to be waived to adult court; and more likely to be incarcerated in an adult prison, once waived to adult court.
- Careful studies repeatedly find that these disproportionate outcomes cannot be explained by higher offending rates among minority youth. For example, after reviewing more than 150 studies, one leading juvenile justice scholar found “incontrovertible” evidence of racial bias in the juvenile justice system. “The issue is no longer simply *whether* whites and youths of color are treated differently,” she wrote. “Instead, the preeminent challenge for scholars is to explain *how* these differences come about.”

PROMISING SOLUTIONS

- Before Multnomah County, Oregon entered JDAI, minority youth were about 30 percent more likely than white youth to be detained after arrest. By reviewing every decision point for underlying biases, increasing diversity among juvenile justice staff, and promoting new practices that equalized treatment, Multnomah completely eliminated this gap by 2000.
- In Santa Cruz County California, at the outset of JDAI Latino youth assigned to detention were spending many more days behind bars than white youth – mostly because the jurisdiction lacked culturally appropriate programming. Once the local probation department teamed with community-based organizations to develop new alternatives, lengths of stay began to equalize and disparities are being addressed. Today, the average number of Latino youth each night is just half what it was in 1998.