



SMART, SAFE, AND FAIR:

**STRATEGIES TO PREVENT
YOUTH VIOLENCE, HEAL VICTIMS
OF CRIME, AND REDUCE RACIAL INEQUALITY**

The juvenile justice system has undergone a momentous change in policy and practice over the last 20 years. In many jurisdictions there has been a shift from a punitive system designed to punish youth like adults, where out-of-home placements and secure confinement were the norm, to an increasingly data-driven and evidence-based approach that seeks to keep kids in their communities and connected to family, peers, and treatment services.

While there is still much work to be done, reorienting the juvenile justice system towards the principles of rehabilitation and support rather than punishment and retribution not only strives for the promise of a more fair and equitable system, but also seeks far better returns in public safety. However, despite this progress, the way we respond to youth who come into contact with the justice system largely remains costly, delivers limited return on its public safety investment while also contributing to significant racial disparities.

"There can be very **high rates of victim satisfaction in a restorative justice** approach. In terms of accountability—accountability meaning the person who committed the offenses accepts that their actions harmed someone and **take responsibility** for that and engage in a dialogue with a victim who's willing to dialogue to address the harm – **victims feel a lot more listened to.**"

-Rosie Hildago,
National Latin@ Network

"Especially **the young black men, especially survivors of violence,** there could be the opportunity where you could just be walking down the street and you get shot. If we're not able to prevent all crime from happening in the first place, the least we can do is ensure that anyone who becomes a victim receives services, and the truth is that many of us aren't receiving services at all, and many of us don't know about services; there are so many barriers to accessing those services."

- Aswad Thomas,
Chapter Development Director at
Crime Survivors for Safety and
Justice, a project of Alliance for
Safety and Justice

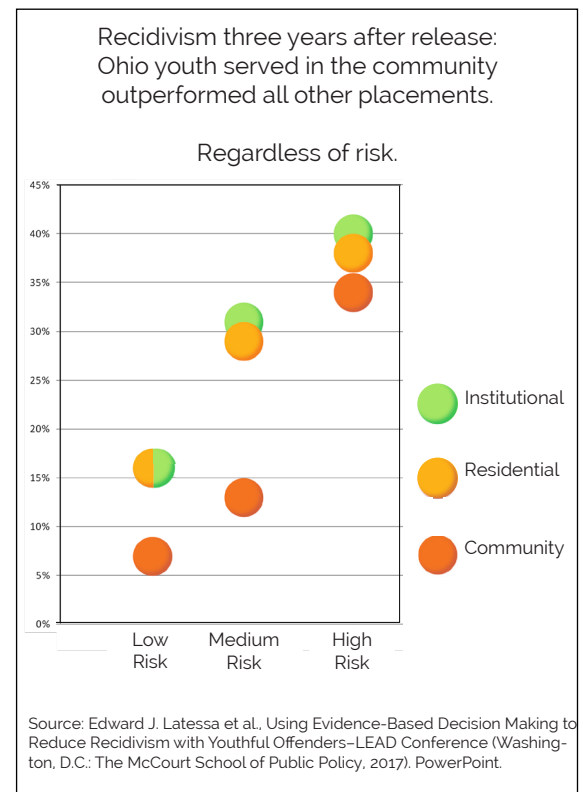
KEY FACTS

- According to federal data trends reported by the U.S. Department of Justice, since 1997, there has been nearly a 50 percent decline in the number of confined youth.
- This has occurred during a period when juvenile crime rates have declined significantly, showing that youth incarceration can be reduced without compromising public safety.
- These reductions in the youth incarceration rate have been concentrated among nonviolent offenses—70 percent of the population decline.
- This translated to 44,000 fewer youth confined for a nonviolent offense versus about 12,000 fewer confined for a violent offense.

- Young people who have been confined have higher recidivism rates than youth with similar characteristics who are served through a community-based approach.
- An Annie E. Casey Foundation analysis of Florida data found that youth who were either diverted or served by probation were less likely to recidivate than youth who were confined. Seven in 10 youth assessed as high risk recidivated within one year of leaving a residential facility in Florida, and Florida's AMI Kids reports that only 1 in 5 youth at home during their supervision recidivated within one year of release.

- In 33 states and the District of Columbia, it costs \$100,000 or more annually per youth to confine a young person in that jurisdiction's most expensive confinement option. In many cases, the yearly cost of incarcerating a youth can exceed \$300,000. In stark contrast, some estimates have shown community-alternatives can cost \$70 a day. The time a youth is under the program can fluctuate from a few weeks to potentially a year, but even a longer stay is still a more efficient use of resources and effective way to serve a young person.

- Despite progress in reducing the rate of confinement, stubbornly and unacceptably high rates of racial disparity endure. As part of an analysis of Ramsey County, Minnesota, it was found that African American youth are 4.44



times more likely to be arrested and 2.02 times more likely to be adjudicated than white youth.

As the evidence mounts, both nationally and at the state-level, of the ineffectiveness and inequality caused by confinement in the juvenile justice system, the views of decision makers, stakeholders, and the public have shifted toward supporting a more humane, healing-centered approach. Perhaps most notably has been the support for alternatives from victims of crime. Data show:

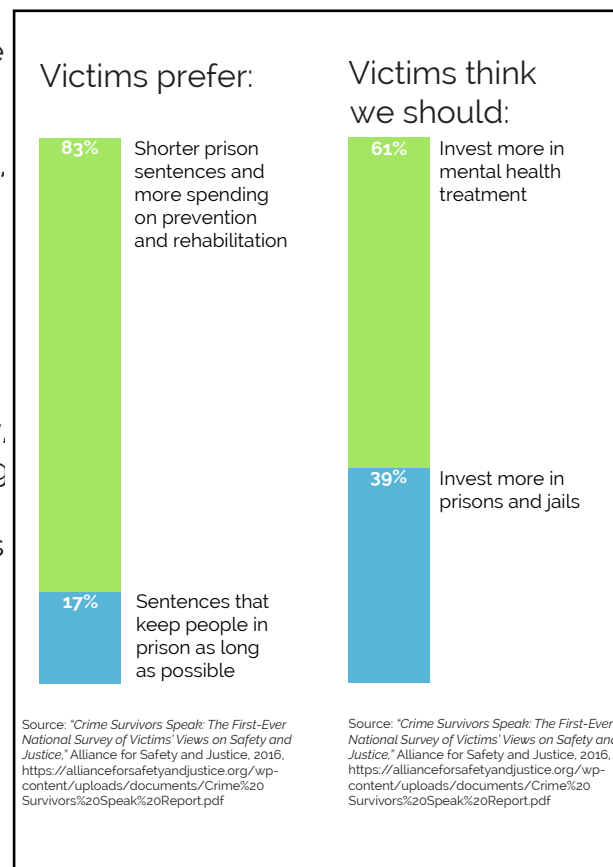
- Victims of crime want an approach that meets the needs of youth, strengthens families, and addresses the underlying causes of crime.
- They also want to see greater use of community-based strategies for all youth who have engaged in crime, regardless of the offense type.
- If the cycle of violence is going to be addressed, the traumatic events that can lead to a young person being involved in violent crimes needs to be treated—a “trauma informed approach” that requires changes to laws, policies and practices to treat youth effectively.
- A trauma-informed approach would include law, policy and practice changes that include everything from leniency in sentencing in considering a young persons' prior victimization, to redirecting resources to fund more community-based mental health approaches.

While useful for documenting nationwide trends, national data can obscure the ways in which policy and practice at the state and local-level has continued trends of the ineffectiveness and inequality of the system.

For example, in the areas of . . .

CONFINED POPULATION

- Today, in California, a mere 4 percent of young people incarcerated in a state-run facility were involved in a nonviolent offense.



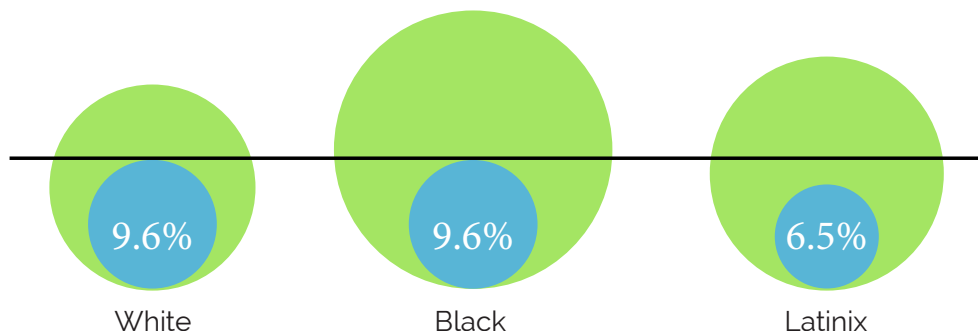
- In Florida, between 2007 and 2016, there was a 72 percent decline in the number of young people confined and placed out of home; of that reduction, 82 percent were youth whose offense was nonviolent.
- In Ohio, between 2007 and 2016, the number of youth confined for a nonviolent offense fell by 86 percent, with just a 58 percent reduction for violent offenses.

COST

- In California, confinement in a state-run facility now costs more than \$317,550 per year.
- Relative to other states, Florida spends less per person to confine a youth. However, taxpayers can spend more than \$90,000 a year to confine a youth (up from \$55,000 just a few years ago.)
- Ohio taxpayers can spend \$200,000 a year to confine a youth in a state-run facility.

RACIAL DISPARITY

- In California, youth of color are 57 percent of the youth population, but 86 percent of the youth confined in the three state facilities. Nearly nine out of ten youth in the deep end of the system are youth of color.
- In Florida, youth of color are 50 percent of the youth population, but 74 percent of the youth confined in the three state facilities.
- In Ohio, Youth of color are two out of 10 youth, but nearly 7 out of 10 confined youth. In Ohio, youth of color are 21 percent of the youth population, but 68 percent of the youth confined in the three state facilities.



Studies show youth **carry guns** at similar rates, but **arrest rates** vary widely by race.

PUBLIC SAFETY

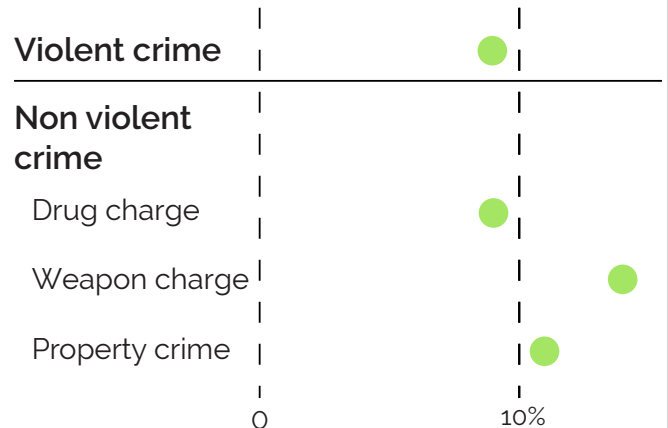
- In California, in the three years following their release from confinement, 74 percent of young people are re-arrested, 54 percent are convicted of another offense and 37 percent return to custody. In comparison, only 18 percent of young people diverted to a restorative justice approach in California's seventh largest county were rearrested, convicted or confined within a two-year period.

- The State of Florida Department of Juvenile Justice reviewed the outcomes of 16,779 youth, and found that as length of stay increased, so did recidivism.

- In Ohio, 45 percent of youth are convicted of another offense within three years of returning home from confinement; but an analysis of recidivism outcomes across a variety of dispositions showed that young people served in the community had lower recidivism rates, regardless of their offense and risk level.

- Nearly a quarter of the youth confined to an Ohio facility are there with a "gun spec" designation, which under state law requires one year of incarceration regardless of whether the youth could be safely served in a less restrictive way. More than 50 percent of the youth with a "gun spec" designation were initially assessed to be a low-to-moderate risk, matching the risk level of most youth currently served in the community in Ohio.

Whether a presenting offense is defined as violent or non-violent does not accurately predict the likelihood of re-offending



Persister: One who continues to frequently engage in criminal activity of varying types.

Source: Edward P. Mulvey, et al., Youth Corrections Reform-LEAD Conference (Washington, D.C.: The McCourt School of Public Policy, 2017, PowerPoint).