



SMART, SAFE, AND FAIR II:

Creating Effective Systems
to Work with Youth Involved
in Violent Behavior

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EXECUTIVE SUMMARY

In the 1990s, many jurisdictions adopted draconian policies to deal with a perceived wave of juvenile crime. By 2000, however, juvenile crime rates had dropped precipitously; since then, the number of youth confined in facilities away from home has decreased by 60 percent.¹ Given political predictions, the drop is instructive, and there is no evidence the trend will slow any time soon. Advances in research, effective advocacy, declining juvenile crime rates, and other factors have helped propel reform forward, leading many states to close youth prisons and prioritize community-based interventions.²

Much of this progress has come about because of increased acceptance of using a developmentally appropriate approach to youth in the justice system, consistent with the research on adolescent development and the principles of positive youth development (PYD). Application of grounding juvenile justice programming in the principles of positive youth development was proposed by Jeffrey Butts of the Research and Evaluation Center at John Jay College, calling the approach “positive youth justice.”³ Positive youth justice (PYJ) stresses the idea that all youth, regardless of circumstances or background, can build the competencies and relationship building skills that will allow them to develop into strong adults and be assets to their communities.⁴

Despite reforms, more than 48,000 justice-involved youth around the country remain confined outside of their homes.⁵ Nine out of ten are held in locked facilities, and two-thirds remain in custody for more than a month. These placements are often expensive, unfair, and unjust, and the research is clear that many of the youth convicted of violent crime are better treated in community-based settings rather than secure facilities.

In addition, and of great concern, the declining youth incarceration rate has not benefited racial groups equally. Black youth are overrepresented in confinement

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¹ Wendy Sawyer, Youth Confinement: The Whole Pie 2019, (Northampton, MA: Prison Policy Initiative, December 19, 2019), <https://www.prisonpolicy.org/reports/youth2019.html>.

² Sawyer, Youth Confinement.

³ John Jay Research and Evaluation Center, “PYJ - PYJ Model,” https://johnjayrec.nyc/pyj_model/.

⁴ Jeffrey A. Butts, Gordon Bazemore, and Aundra Saa Meroe, Positive Youth Justice: Framing Justice Interventions Using the Concepts of Positive Youth Development (Washington, DC: Coalition for Juvenile Justice, 2010), <https://www.ojp.gov/ncjrs/virtual-library/abstracts/positive-youth-justice-framing-justice-interventions-using-concepts>.

⁵ Sawyer, Youth Confinement.

relative to their share of the general population, while white youth are underrepresented – disparities demonstrating the inequities faced by youth and people of color throughout the justice system.⁶

As the youth incarceration rate has dropped, the expense of confining youth outside the home continues to increase, even as evidence shows that serving youth in the community is more cost-effective and produces better outcomes.⁷ For example, New York data from 2020 show the cost to incarcerate a single youth for a year can be as high as \$892,206.⁸

In 2018, the Justice Policy Institute (JPI) and the National Center for Victims of Crime collaborated on the report *Smart, Safe, and Fair*.⁹ The project examined recent efforts to reform youth justice systems by shifting practices away from incarceration toward community-based approaches. As the authors noted, a growing body of research shows that youth convicted of a violent crime are significantly less likely to reoffend if they are managed in community-based settings. Serving young people in the community, rather than in custodial facilities, also costs significantly less and mitigates the disproportionate impact of confinement on youth of color.

Smart, Safe, and Fair found that 70 percent of the decline in the population of youth confined in facilities was concentrated among youth who committed nonviolent offenses. Policymakers in many states have focused reform efforts on the low-hanging fruit: youth who commit nonviolent crimes. But using nonviolent and violent offense categories to determine where a youth should be treated ignores years of research showing that the seriousness of an offense charged doesn't necessarily equate to the risk of reoffending. Additionally, the research shows that young people are more likely to succeed in community-based settings, regardless of the nature of offenses, and that incarceration itself is associated with higher recidivism rates. Moreover, whether or not a crime is classified as violent varies by jurisdiction, resulting in arbitrary outcomes and inequities throughout the system.¹⁰

Lastly, as part of *Safe, Smart, and Fair*, the National Center for Victims of Crime invited victims and victims' advocates from around the country to discuss the report's findings. The participants reached a number of conclusions that provide further support for juvenile justice reform. While noting that they could not speak for all crime victims, the participants supported both the research backing, and the practical implications of, the movement to serve youth in community-based settings – including youth convicted of violent crimes.

6 Sawyer, *Youth Confinement*.

7 Jeffrey A. Butts, Laura Negredo, and Elvin Elkin, *Staying Connected: Keeping Justice-involved Youth "Close to Home"* in New York City (New York, NY: John Jay Research and Evaluation Center, March 2015), <https://johnjayrec.nyc/2015/03/16/stayingconnected/> and Vincent Schiraldi, Bruce Western, and Kendra Bradner, *New Thinking in Community Corrections: Community-Based Responses to Justice-Involved Young Adults* (Washington, DC: Harvard Kennedy School Program in Criminal Justice Policy and Management, with the National Institute of Justice, U.S. Department of Justice, September 2015), <https://www.ojp.gov/pdffiles1/nij/248900.pdf>.

8 Justice Policy Institute, *Sticker Shock 2020: The Cost of Youth Incarceration* (Washington, DC: July 2020), <https://justicepolicy.org/research/policy-brief-2020-sticker-shock-the-cost-of-youth-incarceration/>.

9 Justice Policy Institute and The National Center for Victims of Crime, *Smart, Safe, and Fair: Strategies to Prevent Youth Violence, Heal Victims of Crime, and Reduce Racial Inequality* (Washington, DC, and Arlington, VA: September 4, 2018), <https://justicepolicy.org/research/reports-2018-smart-safe-and-fair-strategies-to-prevent-youth-violence-heal-victims-of-crime-and-reduce-racial-inequality/>.

10 Justice Policy Institute and The National Center for Victims of Crime, *Smart, Safe and Fair* <https://justicepolicy.org/research/reports-2018-smart-safe-and-fair-strategies-to-prevent-youth-violence-heal-victims-of-crime-and-reduce-racial-inequality/>.

The advances in research showing that youth are better served in the community, regardless of their crimes, add to the urgency of juvenile justice reform. That imperative has been amplified by the mass protests that followed the death of George Floyd and others at the hands of police, as well as the risks that the COVID-19 pandemic poses for everyone in correctional settings.

These crises have provided impetus and political cover to build upon the juvenile justice improvements of the past two decades and decreased barriers to reform. The protests against racial inequality have broadened support for reform in many places. And in some jurisdictions, the pandemic has already furthered the cause of reform by impelling various jurisdictions to limit placement in non-home settings and release detained youth.¹¹

Moreover, the Biden Administration's Fiscal Year 2022 budget contains \$100 million to "establish a new program to encourage community-based alternatives to youth incarceration."¹² Congress is currently deliberating the President's budget. If this provision is passed by Congress, the funds could be used to support planning processes to help redirect the savings toward more effective alternatives to incarceration and community-based programs for system-involved youth.¹³

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The four jurisdictions featured in this report are Milwaukee, WI; New York, NY; Washington, DC; and the state of Virginia. These jurisdictions have fundamentally reformed their systems on the principles of PYJ, significantly reduced the number of youth they incarcerate, and succeeded in serving young people through community alternatives to incarceration - including those involved in "violent" offenses. They also insured that the savings from closing state facilities and/or keeping youth in less expensive community settings went to pay for reforms rather than other jurisdictional expenses. Finally, New York State, Virginia, and the District of Columbia departments of juvenile justice, in the midst of reform, also succeeded in bringing youth tried as adults back under their jurisdiction.¹⁴

11 Josh Rovner, Youth Justice Under the Coronavirus: Linking Public Health Protections with the Movement for Youth Decarceration (Washington, DC: The Sentencing Project, September 2020), <https://www.sentencingproject.org/publications/youth-justice-under-the-coronavirus-linking-public-health-protections-with-the-movement-for-youth-decarceration/>.

12 White House and U.S. Office of Management and Budget, Appendix, Budget of the United States Government, Fiscal Year 2022, Department of Justice, Office of Justice Programs, Federal Funds, Juvenile Justice Programs (8), 765-766, https://www.whitehouse.gov/wp-content/uploads/2021/05/appendix_fy22.pdf.

13 Joe Biden-Kamala Harris (Campaign Website), "The Biden Plan for Strengthening America's Commitment to Justice: Juvenile Justice," <https://joebiden.com/justice/>.

14 Marcy Mistrett (Director of Youth Justice, The Sentencing Project), interview by author, September 14, 2021.

THE REPORT IS DIVIDED INTO EIGHT LESSONS

Reach agreement among juvenile justice stakeholders that the mission of the system is to reform lives;

Build broad-based coalitions;

Develop a comprehensive plan for reform;

Codify reforms through legislation;

Reduce the confinement of youth, and racial disparities, in secure facilities through careful risk and needs assessment and decreased length of stay;

Adjust hiring, training, and case management to reflect principles and goals of reform;

Create a continuum of care; and

Gather data to measure progress and ensure continuous improvement.

These lessons are intended to serve as a blueprint to broaden awareness of successful reform strategies, reduce the number of jurisdictions that continue to rely on incarceration, and encourage policymakers to include youth involved in violent offenses in the move toward community-based juvenile justice approaches.

The authors must emphasize that in order to achieve substantial and lasting reforms, jurisdictions should meaningfully include members of the victims' community from the beginning of the reform efforts. Work should be done to solicit their views and include them in decisions about how the reforms are implemented, ensuring that they have a seat at the table. If this isn't done, progress could be quite fragile, and significant setbacks can occur in response to an increase in violent crime, or even one or two high profile violent crimes in a community.

FOUR JURISDICTIONS

Washington, DC

For decades, Washington, DC's juvenile justice system was ineffective and plagued by abuse. This was particularly true of the District's largest youth prison, Oak Hill. In 1985, the ACLU brought a lawsuit, *Jerry M.*, on behalf of children incarcerated at Oak Hill.¹⁵ The suit, along with a continued pattern of abuse at the facility, led the city to enter a consent decree in which it agreed to alter policies and decrease overpopulation at Oak Hill, and to develop community-based alternatives to incarceration for justice-involved youth. Despite this agreement, more than a decade and a half of continued failure, lawsuits, and fines passed before the city began to take serious steps toward fundamental juvenile justice reform.

In 2000, Mayor Anthony Williams established the Blue Ribbon Commission on Youth Safety and Juvenile Justice Reform. With funding from the Annie E. Casey Foundation, Williams' commission issued a report with a broad array of recommendations intended to move the focus of DC's juvenile justice system away from incarceration toward one centered on community-based approaches to rehabilitation. In addition to the assistance provided by the Annie E. Casey Foundation, local DC funders supported the policy suggestions of the commission, as well as the subsequent policy and advocacy work of the community, to ensure that the recommendations became law.¹⁶

After a period of substantial planning and advocacy by community-based groups, the DC City Council passed the 2004 Omnibus Juvenile Justice Act.¹⁷ The legislation mandated closure of Oak Hill by 2009, outlined new goals that included decreased reliance on incarceration, and called for the development of a continuum of care made up of community-based supports and services. The City Council also passed separate legislation that established the Department of Youth Rehabilitation Services (DYRS), a cabinet-level agency that would oversee all justice-involved youth committed to the District.¹⁸

Washington, DC's reforms have greatly reduced the number of incarcerated youth. At the beginning of the city's reform efforts, more than 200 young people were being held in secure

¹⁵ *Jerry M. v. District of Columbia Consent Decree*, 1519-85 (C.A.), 571 A.2d 178 (1990). <https://dyrs.dc.gov/page/consent-decree>.

¹⁶ Liz Ryan and Marc Schindler, *Notorious to Notable: The Crucial Role of the Philanthropic Community in Transforming the Juvenile Justice System in Washington, D.C.* (Washington, DC: 2011). <https://dyrs.dc.gov/sites/default/files/dc/sites/dyrs/publication/attachments/Notorious%20to%20Notable.pdf>.

¹⁷ 2004 Omnibus Juvenile Justice Act, DC Law 15-261, § 1102, 52 DCR 1188, Washington, DC City Council (November 29, 2004), <https://code.dccouncil.us/dc/council/laws/docs/15-261.pdf> and Ryan and Schindler, *Notorious to Notable*. See also *Closure of Oak Hill Youth Center; Transfer of Operations to New Facilities*, DC Law § 24-941, Washington, DC City Council (March 17, 2005), <https://code.dccouncil.us/dc/council/code/sections/24-941.html>.

¹⁸ Department of Youth Rehabilitation Services Establishment Act of 2004, DC Law 15-335, 52 DCR 2025, Washington, DC City Council (April 12, 2005), <https://code.dccouncil.us/us/dc/council/laws/15-335#§107>.

facilities in DC and a significant number were placed in residential placement programs across the country.¹⁹ As of August 2021, only 64 of the young people committed to DYRS are in secure placement.²⁰

Under the direction of DYRS, Washington DC's juvenile justice system has gone from "notorious" to "notable."²¹ DYRS' work to create a system predicated on positive youth justice included closing

Oak Hill and replacing it with a much smaller, rehabilitation-oriented, secure placement facility, New Beginnings Youth Development Center. New Beginnings focuses on empowering and educating youth, rather than punishment. DYRS' work also included a broad, community-centered continuum of care meant to serve a large majority of justice-involved youth in community-based programs within the city; the DC Youth Link system to make supports and services for youth and families more accessible; implementation of a range of restorative justice practices; and the Credible Messenger Initiative, a best practice borrowed from New York City, utilizing members of the community with shared backgrounds and lived-experiences as a key resource in redirecting youth in positive directions.²²

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The drop in placements also led to skyrocketing costs, as the price for incarcerating a single youth rose to close to \$250,000 per year by 2008 and \$892,000 by 2020.

New York City

Post-1990, New York City, like many jurisdictions, experienced a significant reduction in juvenile arrest rates. Given the lower arrest rates, the number of youth placed in secure facilities plummeted. While this

was for the better, the state's juvenile justice system continued to be plagued by abuse and high recidivism rates. The drop in placements also led to skyrocketing costs, as the price for incarcerating a single youth rose to close to \$250,000 per year by 2008 and \$892,000 by 2020.²³

The reforms in New York City were made possible because of earlier interventions at the state level and investigation into the New York State juvenile justice system by the federal government. In 2007, then-New York Governor Eliot Spitzer appointed Gladys Carrión as the Commissioner

19 Paul Duggan, "After 35 Years, a Lawsuit Over 'Inhumane' Juvenile Detention in D.C. Has Led to Major Reforms," Washington Post, February 17, 2020, https://www.washingtonpost.com/local/public-safety/after-35-years-a-lawsuit-over-inhumane-juvenile-detention-in-dc-has-led-to-major-reforms/2020/02/17/1eea122c-4d89-11ea-bf44-f5043eb3918a_story.html.

20 Naquasha Moreland (Management Analyst, Office of Research Evaluation, District of Columbia Department of Youth Rehabilitation Services), email message to author, August 31, 2021.

21 Ryan and Schindler, Notorious to Notable.

22 Ryan and Schindler, Notorious to Notable; Editorial, "The Climb to Reform Oak Hill: Two Hundred D.C. Youths Are Detained in a Facility Not Fit for the Director's Dog," Washington Post, April 14, 2006, <https://www.washingtonpost.com/archive/opinions/2006/04/14/the-climb-to-reform-oak-hill-span-classbankheadtwo-hundred-dc-youths-are-detained-in-a-facility-not-fit-for-the-directors-dogspan/bd82cc30-639f-43d5-b326-f4da66e38849/>; and Ted Alcorn, "Reporting for Work Where You Once Reported for Probation," The Atlantic, December 13, 2019, <https://www.theatlantic.com/politics/archive/2019/12/credible-messengers-reform-criminal-justice-system/603514/>.

23 Marsha Weissman, Vidhya Ananthakrishnan, and Vincent Schiraldi, Moving Beyond Youth Prisons: Lessons from New York City's Implementation of Close to Home (New York, NY: Columbia University Justice Lab, February 2019), [https://justicelab.columbia.edu/sites/default/files/content/Justice%20Lab%20C2H%20Case%20Study%20FINAL%20\(Web%20Version\)%20\(1\).pdf](https://justicelab.columbia.edu/sites/default/files/content/Justice%20Lab%20C2H%20Case%20Study%20FINAL%20(Web%20Version)%20(1).pdf) and Justice Policy Institute, Sticker Shock 2020.

of the state's Office of Children and Family Services that oversaw child welfare, early childhood care, and juvenile justice. Upon her appointment, Carrión immediately announced that New York State was going to dismantle and transform the state's juvenile justice system. Her reforms looked at the issues through a racial inequality lens, calling out the deep disparities in the system. Her leadership and advocacy led to the closing of 21 state youth detention centers, a substantial reduction of the system's footprint, and the implementation of trauma- and evidence-informed, therapeutic models.²⁴

In 2006, a 15-year-old youth at the state's Tryon youth facility, Darryl Thompson, died while being restrained by staff. This tragedy highlighted the continuing problems of maltreatment and abuse within the state's system.²⁵ The following year, the federal Department of Justice's Civil Rights Division initiated an investigation into New York's juvenile justice system.²⁶ Recognizing the need for fundamental reform, then-Governor David Paterson formed the Task Force on Transforming Juvenile Justice in New York in 2008.²⁷

In addition to the efforts of Governor Paterson's task force, numerous policymakers joined advocates in pushing for substantial reform in New York City.²⁸ Among them was New York City Mayor Michael Bloomberg, who called for city youth in state-run secure facilities to be returned to city custody. Ultimately these efforts led to two years of planning that culminated in the Close to Home Initiative, which was codified by the state legislature in 2012. Under Close to Home, all residents of facilities in upstate New York from New York City would be transferred to alternative placements in the city itself. Additionally, both the city and the state would share funding responsibilities to provide for the establishment of a multitiered system centered on the principles of positive youth justice and focused on serving youth in their own communities through a broad-based array of services and support mechanisms.²⁹ In 2018, however, the state cut its funding contribution to the initiative, resulting in the city paying for the full cost of the program.³⁰ As of August 2021, New York City Family Court has placed only 63 youth in locked facilities. Those in residential placements are in small, home-like, facilities.³¹

24 Dan Rosenblum, "Carrión Will Be Tough Act to Follow at ACS, New York City Nonprofit Providers Say," City & State New York, December 13, 2016, <https://www.cityandstateny.com/politics/2016/12/carrion-will-be-tough-act-to-follow-at-ac-s-new-york-city-nonprofit-providers-say/180397/> and Gladys Carrión (former Commissioner of New York State's Office of Children and Family Services), email message to author, September 1, 2021.

25 Jennifer Gonnerman, "The Lost Boys of Tryon," New York Magazine, January 22, 2010, <https://nymag.com/news/features/63239/>.

26 United States v. New York, Juvenile Facilities Settlement Agreement, US District Court for the Northern District of New York (July 14, 2010), https://www.justice.gov/sites/default/files/crt/legacy/2011/01/26/NY_juvenile_facilities_settle_07-14-10.pdf.

27 Governor David Paterson's Task Force on Transforming Juvenile Justice, Charting a New Course: A Blueprint for Transforming Juvenile Justice in New York State, December 2009, https://www.vera.org/downloads/Publications/charting-a-new-course-a-blueprint-for-transforming-juvenile-justice-in-new-york-state/legacy_downloads/Charting-a-new-course-A-blueprint-for-transforming-juvenile-justice-in-New-York-State.pdf.

28 Task Force on Transforming Juvenile Justice, Charting a New Course.

29 Weissman, Ananthakrishnan, and Schiraldi, Moving Beyond Youth Prisons.

30 Dan Goldberg, "Cuomo Proposal to Cut Funding to Juvenile Justice Program Rankles de Blasio Team," Politico, February 11, 2018, <https://www.politico.com/states/new-york/albany/story/2018/02/11/cuomo-proposal-to-cut-funding-to-juvenile-justice-program-rankles-de-blasio-team-246375>.

31 Gladys Carrión (former Commissioner of the New York State Office of Child and Family Services), interview by author, July 16, 2020 and New York City Administration for Children's Services, *Monthly Flash Indicators Report*, October 2021, <https://www1.nyc.gov/assets/acs/pdf/data-analysis/flashReports/2021/10.pdf>.

Advocates, as well as city and county officials, have been pushing juvenile justice reform in Milwaukee for over two decades. One of the earliest reform efforts to emerge in the county was Wraparound Milwaukee, a program funded through a federal grant that aimed to provide community-based support to local youth with emotional, behavioral, and mental health needs. It was intended to not only help young people struggling with these challenges, but also to serve as a more positive and effective approach to reducing delinquent and criminal behavior, and thereby reduce reliance on residential facilities and incarceration.³² Since 2011, Milwaukee County has also worked to fundamentally reform its juvenile justice system by providing a "comprehensive continuum of services for youth and families" as an alternative to placement within the state's youth correctional facilities. These efforts included the implementation of the Milwaukee County Accountability Program in 2012, which used state funding to keep more justice-involved youth in local, secure facilities focused on rehabilitation rather than punishment and isolation, and provide these residents with more educational support, front-end diversion, and aftercare transition supports.³³

Despite these reforms, Milwaukee youth continued to be sent in large numbers to the state's main youth prisons at Lincoln Hills (boys) and Copper Lake (girls). Indeed, youth from the county represented approximately 60 percent of these facilities' populations.³⁴ In sharp contrast to the type of reforms underway in Milwaukee, Lincoln Hills and Copper Lake operated within a traditional model of juvenile justice. They also were plagued by scandals, lawsuits, and investigations that led to the resignation of not only staff from the facility, but also high-ranking officials within the state's correctional agency.³⁵ The light shed on these problems was due in large part to the advocacy efforts of a diverse set of community organizations and youth advocates that eventually formed Youth Justice Milwaukee (YJM). Ultimately, these troubles led to the passage of Act 185 in 2018, which mandated closure of the facilities by January 2021, the creation of a new state-run secure facility for youth deemed serious offenders, and funding for new county-run secure facilities for those with less serious offenses.³⁶

Under the grant program developed out of Act 185, Milwaukee applied to the state for \$23.6 million to renovate a county facility to place youth living at Lincoln Hills and Copper Lake. The state award, however, was more than \$8 million dollars short of the county's request. The decrease in funding undercut the county's capacity to build an adequate facility. Therefore, efforts to develop a county-run facility are at an impasse.³⁷

32 Wraparound Milwaukee, 2016 Year End Report, Milwaukee County Behavioral Health Division, <http://wraparoundmke.com/wp-content/uploads/2013/09/2016-Annual-Report.pdf>.

33 Edgar Mendez, "Milwaukee County Sees Progress in Reducing the Number of Inmates in Youth Prisons," Milwaukee Neighborhood News Service, February 23, 2021, <https://milwaukeeenns.org/2021/02/23/milwaukee-county-see-progress-in-reducing-the-number-of-inmates-in-youth-prisons/>.

34 Mark Mertens (Administrator of Youth and Family Services at Milwaukee County Department of Health and Human Services), interview by author, March 20, 2020 and Allison Dikanovic, "What the Closure of Lincoln Hills Youth Prison Means to You and Milwaukee," Milwaukee Neighborhood News Service, February 23, 2019, <https://onmilwaukee.com/articles/nns-lincoln-hills-closing>.

35 "Timeline: How the Lincoln Hills Crisis Unfolded," Milwaukee Journal Sentinel, various dates, <https://projects.jsonline.com/topics/lincoln-hills/timeline/>.

36 2017 Wisconsin Act 185, Wisconsin State Legislature, March 31, 2018, <https://docs.legis.wisconsin.gov/2017/related/acts/185>.

37 Lauren Anderson, "Milwaukee County Defers Accepting \$15 Million for Youth Detention Center Renovation," BizTimes: Milwaukee Business News, September 16, 2020, <https://biztimes.com/milwaukee-county-defers->

While Act 185 was intended to serve as a cornerstone of juvenile justice reform in Wisconsin, it provided funding for only secure, residential facilities, not community-based programming. Despite this limitation, Milwaukee has continued to move toward fundamental reform centered in the principles of positive youth justice. Between 2016 and 2021, the county cut the number of youth sent to state-run facilities by approximately 70 percent.³⁸ Indeed, by 2021, only 22 youths from Milwaukee County remained at Lincoln Hills and Copper Lake.³⁹ By reducing its numbers of incarcerated youth, Milwaukee has used saved revenues to fund community-based alternatives such as its Credible Messengers Program. It has also furthered its reform efforts by utilizing funding from Act 185 to develop a county-run secure facility that will look nothing like a prison, forbid the use of restraints, hire youth development specialists instead of correctional officers, and focus on the positive development of its residents.⁴⁰

Virginia

From 2011 to 2020, the number of youth admitted for care into a Virginia Department of Juvenile Justice (VDJJ) residential facility declined 58.4 percent.⁴¹ Unlike the other jurisdictions discussed in this report, Virginia began implementing juvenile justice reform before any major tragedies at its correctional facilities forced it to do so. Though the state's youth prisons suffered from ineffectiveness, the movement for reform was largely buoyed by support at the highest levels of the state government.

In 2014 state officials requested that the Annie E. Casey Foundation assess its juvenile justice system.⁴² The Foundation's findings were presented to the officials in January 2015, and shortly after, planning commenced to transform the system.⁴³ The four goals of the Transformation Plan were to: 1) "reduce" the use of the state's large juvenile corrections facilities (the Beaumont and Bon Air youth prisons); 2) "reform" supervision, rehabilitation, and treatment options throughout the system; 3) eventually "replace" Virginia's two largest antiquated facilities with smaller regional facilities focused on rehabilitation and treatment that would be supported by a statewide

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[accepting-15-million-for-youth-detention-center-renovation/](#).

38 Madeline Fox, "An Absolute Atrocity": State to Miss Deadline to Close Juvenile Detention Facilities, Even as Conditions Worsen," Wisconsin Public Radio, February 1, 2021, <https://www.wpr.org/absolute-atrocity-state-miss-deadline-close-juvenile-detention-facilities-even-conditions-worsen>.

39 Mendez, "Milwaukee County Sees Progress."

40 Dikanovic, "What the Closure of Lincoln Hills Youth Prison Means" and Mendez, "Milwaukee County Sees Progress."

41 Virginia Department of Juvenile Justice, Transformation Plan 2020 Update, <http://www.djj.virginia.gov/pages/about-djj/djj-transformation.htm> and [http://www.djj.virginia.gov/documents/admin/data-research/publications/2020 DJJ Transformation FINAL.pdf](http://www.djj.virginia.gov/documents/admin/data-research/publications/2020%20DJJ%20Transformation%20FINAL.pdf).

42 Virginia Department of Juvenile Justice, Transformation Plan 2018 Update, November 20, 2018, <http://www.djj.virginia.gov/pages/about-djj/djj-transformation.htm>.

43 Andrew Block (former Director of Virginia Department of Juvenile Justice), interview by author, September 17, 2021.

continuum of care; and 4) “sustain” the effectiveness of the Transformation Plan by encouraging safe and inclusive workplaces, recruiting highly skilled staff, and ensuring that good staff is motivated to stay, as well as ensuring that the procedures, policies, and resources are in place to help the team meet their goals to transform the state’s juvenile justice system.⁴⁴

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The fundamental mission of the juvenile justice system should be to transform lives.

To immediately reduce the number of youth in Beaumont and Bon Air in 2015, VDJJ revised its guidelines to reduce the length of stay for youth committed to its residential facilities.⁴⁵ VDJJ also began to work with Governor Terry McAuliffe and the state legislature to refine the plan. Beginning in 2016, with the support of both the governor and the legislature, the state budget included provisions allocating funding for a variety of reform-related measures: creating two small treatment facilities to replace the Bon Air and Beaumont Juvenile Correctional Centers (JCCs), although only the Beaumont facility closed; providing funding for the creation of the transformation plan; and permitting VDJJ to reinvest savings from prison closures in alternative facilities and approaches – ensuring that no taxpayer dollars were spent on the reforms.⁴⁶

In addition to the core principles mentioned above, VDJJ has broadened its reforms since 2016 in a number of ways, including continual identification and implementation of best practices throughout VDJJ’s work, increased engagement of families, and the utilization of data and assessment tools to individualize the provision of services. Perhaps most importantly, VDJJ has shifted focus to the use of a continuum of care in community settings and developed intensive non-residential programs as alternatives to incarceration.⁴⁷ Moreover,

the continuum of care is designed to ensure that Virginia no longer has justice by geography: no matter which of Virginia’s court systems a youth finds him/herself in, he or she is provided the same baseline services.⁴⁸

44 Virginia Department of Juvenile Justice, Transformation Plan 2018 Update.

45 Virginia Department of Juvenile Justice, Profiles of Committed Youth: Fiscal Years 2014-2018, June 2019, http://www.djj.virginia.gov/documents/admin/data-research/publications/Profiles_of_Committed_Youth.pdf.

46 Virginia Department of Juvenile Justice, Transformation Plan 2017 Update, November 1, 2017, <http://www.djj.virginia.gov/pages/about-djj/djj-transformation.htm>; Virginia Department of Juvenile Justice, Transformation Plan 2018 Update; and Andrew Block (former Director of Virginia Department of Juvenile Justice), notes provided to author, September 16, 2021.

47 Virginia Department of Juvenile Justice, Transformation Plan 2020 Update and Virginia Department of Juvenile Justice, Transformation Plan 2018 Update.

48 Block, notes.

KEY TAKEAWAYS

The fundamental mission of the juvenile justice system should be to transform lives

Reform must be centered on the notion that the purpose of the juvenile justice system is to positively transform the lives of justice-involved youth, embracing the philosophy of positive youth justice, which must be instilled throughout the juvenile justice system.

Build broad-based coalitions

Build a broad-based coalition of support for juvenile justice reform that includes legal, governmental, nonprofit advocacy organizations, and foundation advocates. It is crucial to include victims and families of youthful offenders in the coalitions.

Develop a comprehensive plan for reform

To be successful, reform requires extensive and comprehensive planning, and must involve a broad range of stakeholders. Planning should draw upon the efforts of other jurisdictions and focus on reducing reliance on incarceration and increasing use of community-based alternatives.

Codify reforms through legislation

For reform to be meaningful and lasting, it must be codified, include funding mechanisms. Funding for reform should include the diversion of monies spent on incarceration into community-based services and supports.

Reduce the confinement of youth in secure facilities through careful risk and needs assessment and decreased length of stay

Careful risk assessment and data-driven systems for decision-making, in regards to placement, are vital to the implementation of reform. Reforms should emphasize both reduced placement in secure facilities and shortened lengths of stay. To be successful, reforms must address continuing racial disparities within juvenile justice systems, especially as they pertain to placement in secure facilities.

Adjust hiring, training, and case management to reflect principles and goals of reform

The successful implementation of reform requires improvements in both hiring practices and training regimens within juvenile justice systems. Reforms should include careful evaluation and revision of case management practices. Changes within hiring, training, and case management should all reflect the principles of positive youth justice and the use of data-driven decision-making processes.

Create a continuum of care

Creating a continuum of care, which provides supports and services needed by youth, is necessary to the development of a juvenile justice system centered on positive youth justice. Continuum of care must be available to youth in both residential and community-based settings; it should offer a wide array of services to both youth and their families and be designed to fit individual needs.

Gather data to measure progress and ensure continuous improvement

Reforms must include mechanisms to measure performance and progress.

It is crucial to measure the impact and/or success of reforms in terms that go beyond recidivism rates and placement statistics. Performance measurement mechanisms must assess performance both within the juvenile justice system and among community-based providers.

Reform should include processes that allow for continuous improvement through assessment, professional development, and research-driven innovation.

Over the past two decades, a growing number of jurisdictions around the nation have undertaken ambitious, comprehensive reform of their juvenile justice systems. As the number of jurisdictions engaged in this type of reform has increased, so too has our understanding of how to effectively implement radical, positive change in the juvenile justice system.

The broadening scope of juvenile justice reform has provided a richer, fuller set of data to examine regarding the effective implementation and impact of change, and a broad array of innovations in all phases of reform process. Even the continuing obstacles to, or challenges within, reform efforts have provided invaluable lessons as to how to gain broader support for reform, how to overcome opposition to it, and how to reduce limitations to its impact.

These reforms have been centered on the principles of positive youth justice, and as such have sought to radically reduce reliance on incarceration and instead serve justice-involved youth in community-based settings through the provision of supports and services intended to help them develop into strong, productive adults who contribute to their communities. The results attained in those jurisdictions that have implemented reform have broadly substantiated the positive effects on public safety. These reforms, which are bolstered by a growing body of research, have proven highly successful. To put it simply, they have worked.

LESSON ONE: REACH AGREEMENT AMONG JUVENILE JUSTICE STAKEHOLDERS THAT THE MISSION OF THE SYSTEM IS TO REFORM LIVES.

Before there can be meaningful changes in effectively responding to youth crime, jurisdictions must clearly define the mission of their juvenile justice system as not just being focused on punishment and reducing recidivism rates, but to one of transforming young lives - developing stronger, healthier youth who will be prepared to succeed in life.

Such a shift is consistent with the principles espoused by Butts in his PYJ framework, which if executed correctly could fundamentally alter the way that systems think of the youth in their care.

First, no youth, regardless of the nature of his or her circumstances or offense, is irredeemable; all have the ability to develop in a positive direction, if provided the right support.⁴⁹

Second, given the potential for positive development in all youth, the criminal justice system should not be seen as intended to punish or isolate. This view only further limits youths' abilities to build on skills, form stronger connections to their communities, and become more responsible and accountable. Rather, the juvenile justice system should be treated as an opportunity to help youth build on their pre-existing strengths by learning new skills and building the types of relationships that will lead them away from delinquent behavior.⁵⁰

Third, while traditional conceptions of juvenile justice tend to frame those youth in the system as perpetrators, instead they should be viewed as "potential resources for their families and communities." Within this framework, the primary function of the juvenile justice system, whether within residential facilities or community-based alternatives, is to provide the supports and services necessary to help youth "develop useful skills and competencies, and build stronger connections with pro-social peers, families, and communities."⁵¹

While juvenile justice reform may accrue support from advocates within and outside of the system, creating a culture that buys into a mindset based on positive youth justice can require

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49 Butts, Bazemore, and Meroe, Positive Youth Justice.

50 Butts, Bazemore, and Meroe, Positive Youth Justice.

51 Butts, Bazemore, and Meroe, Positive Youth Justice.

considerable outreach to key stakeholders. To succeed in Virginia, for example, proponents of reform had to engage not only lawmakers, but also prosecutors and law enforcement. Perhaps most importantly, reform advocates needed judges to accept this shift in mindset, as they were the agents making the ultimate decisions pertaining to dispositions for justice-involved youth.⁵² In Washington, DC, initial efforts at reform required change from the top-down. After taking over the newly created Department of Youth Rehabilitation Services (DYRS), its director, Vincent Schiraldi, brought in a new top-level management team familiar with the key principles of positive youth justice to facilitate the necessary changes in culture. This new leadership then played an important role in inculcating these cultural changes throughout the agency and the broader system.⁵³

Key Takeaways

Reform must be centered on the notion that the purpose of the juvenile justice system is to positively transform the lives of justice-involved youth.

Reform should embrace and reflect the philosophy of positive youth justice.

The culture of positive youth justice must be instilled throughout the juvenile justice system including prosecutors, judges, and others working within the system.

⁵² Block, interview.

⁵³ Reagan Daly, Tarika Kapur, and Margaret Elliott, *Capital Change: A Process Evaluation of Washington, D.C.'s Secure Juvenile Placement Reform* (New York, NY: Vera Institute of Justice, January 2011), https://www.prisonlegalnews.org/media/publications/vera_inst_of_justice_capital_change_a_process_evaluation_of_dc_juvenile_placement_reform_2011.pdf.

LESSON TWO: BUILD BROAD-BASED COALITIONS

Juvenile justice reform is arduous and sensitive work, and success relies on a symphony of dynamic advocacy by organizations, public agencies, elected officials, and other stakeholders inside and outside of government. The jurisdictions profiled here succeeded in reshaping their systems by developing broad-based coalitions capable of pulling together toward a common goal, despite the narrower agendas that characterize individual participants. Such coalitions are needed to build public and political support; create awareness of the need for change; advocate during government hearings and other proceedings; solicit input from all relevant parties; and plan, implement, and assess reform efforts.

As they push for improvements, broad-based coalitions are also critical to help overcome opposition to reform. In several of the jurisdictions studied, resistance to change emerged from two main sources: labor unions representing correctional staff and politicians. In Washington, DC, for example, correctional staff members at the Oak Hill Youth Center proved unwilling or unable to adapt to changes put in place after the consent decree resulting from the *Jerry M.* case.⁵⁴ Staff also attempted to impede reform by providing the media with stories about the alleged failure of the reforms.⁵⁵ Their efforts helped generate political opposition, which escalated in the mayoral campaign of 2010.⁵⁶ Tough-on-crime politics also created challenges in Wisconsin, where many counties chose to use funding allocated via legislative reforms to build new, locally run secure facilities.⁵⁷ In response to the efforts of a diverse coalition of advocates and reformers, officials in Milwaukee took a different path, remaining committed to community-centered approaches.⁵⁸

In New York, reform efforts met political resistance from representatives of upstate districts who viewed secure facilities as critical economic drivers in their communities. Gladys Carrión, former commissioner of the state's Office of Child and Family Services, characterized such political opposition as an effort to support "local economies on the backs of young people."⁵⁹ The coalition pushing for change overcame the protests from upstate politicians, and juvenile justice reform continued.

A very different set of problems stood in the path of progress in Virginia. There, Governor Terry MacAuliffe was a supporter of reform, and the absence of organized labor unions in the state eliminated that force as a source of potential opposition.⁶⁰ Instead, the reform movement in

54 Vincent Schiraldi (former Director of the District of Columbia Department of Youth Rehabilitation Services), interview by author, February 21, 2020.

55 Schiraldi, interview.

56 Ryan and Schindler, *Notorious to Notable*.

57 Dikanovic, "What the Closing of Lincoln Hills Youth Prison Means" and Mertens, interview.

58 Sharlen Moore (Founder of Youth Justice Milwaukee), interview by author, March 20, 2020 and Mertens, interview.

59 Carrión, interview.

60 Mallory Noe-Payne, "Virginia's Youth Prison Population Drops by Two-Thirds," WVTF (NPR, Roanoke, VA), August 28, 2017, <https://www.wvtf.org/post/virginias-youth-prison-population-drops-two-thirds#stream/0> and Block, interview.

Virginia encountered its stiffest challenge from two other parties: advocacy groups representing reformers who argued that the state's plans would still permit the operation of large facilities, and local residents opposed to specific facility sites.⁶¹ Ultimately, the strength and breadth of the principal reform coalition created sufficient momentum to push through the bulk of the reform package.

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Its founder, Sharlen Moore, in declaring the coalition's priorities, stated, "We have traumatized our kids by locking them up in these old outdated and obsolete prisons...We are traumatizing their families and the communities that they live in and it needs to stop."

In reaction to the atrocities committed at the Wisconsin juvenile corrections facilities, a diverse set of community organizations and youth advocates formed Youth Justice Milwaukee (YJM). Its founder, Sharlen Moore, in declaring the coalition's priorities, stated, "We have traumatized our kids by locking them up in these old outdated and obsolete prisons...We are traumatizing their families and the communities that they live in and it needs to stop."⁶² YJM played a significant role in then-Governor Scott Walker signing a plan into law that would close Lincoln Hills and Copper Lakes by 2021. While the closure plans have stalled, YJM continues to exert its influence on the Wisconsin Legislature, the current governor, and county and city officials to close the facilities and create more community-based alternatives for youth in the justice system.⁶³

Successful reform coalitions typically feature participants from four key stakeholder groups, which are described below.

Crime Victims

Crime victims and youth involved with the juvenile justice system often live in the same neighborhoods.⁶⁴ They have a vested interest in ensuring that juvenile justice reforms reflect their concerns. Hence, survivors can be a powerful voice in support of reform or a prevailing barrier to it, depending on how they perceive the changes affect their welfare.

As the work of organizations such as the Alliance for Safety and Justice (ASJ) shows, many crime survivors support policies centered in PYJ. ASJ's report, *Crime Survivors Speak*, indicated that a large majority of victims from across the demographic spectrum favor reforms that promote

61 Michael Martz, "Juvenile Justice System at Crossroads in Transformation," *Richmond Times-Dispatch*, February 4, 2018, https://roanoke.com/news/virginia/juvenile-justice-system-at-crossroads-in-transformation/article_bc2cd437-cage-529f-89bd-cad74ff27267.html; Block, interview; and Nicolas Pollock, "The Last Kids Locked Up in Virginia," *The Atlantic*, March 16, 2018, <https://www.theatlantic.com/projects/juvenile-justice/>.

62 Ashley Luthern, "Campaign to Close Wisconsin Youth Prison Launches," *Milwaukee Journal Sentinel*, March 22, 2017, <https://www.jsonline.com/story/news/crime/2017/03/22/campaign-close-wisconsin-youth-prison-launches/99493470/>.

63 Fox, "An Absolute Atrocity."

64 Caterina G. Roman, et al., *The Victim-Offender Overlap: Examining Police and Service System Networks of Response Among Violent Street Conflicts* (Report to the National Institute of Justice) (Philadelphia, PA: National Institute Department of Criminal Justice, Temple University of Justice, December 2019), <https://www.ojp.gov/pdffiles1/nij/grants/254626.pdf>.

rehabilitation and community-centered alternatives over incarceration.⁶⁵ ASJ and its affiliate organization, Crime Survivors for Safety and Justice (CSSJ), advocate for both criminal justice reform and victims' rights, focusing on healing communities and shaping public safety policy based on the perspective of people who have been incarcerated and/or victims of crime. For Aswad Thomas, the Chief of Organizing/National Director of the CSSJ Alliance and a victim of gun violence, support for criminal justice reflects the tragic link between offender and victim, as far too often "unaddressed trauma" results "in further victimization."⁶⁶ This is especially true in underserved communities. As noted by Thomas, "young black men are often seen as the most violent, but the truth is we are the most harmed and least supported."⁶⁷ ASJ works to bring victims, those who cause harm, and other community interests together to end cycles of crime and incarceration. Through education and outreach efforts, such as ASJ's Progress Not Prisons campaign, victims' groups represent powerful potential allies in the fight for juvenile justice reform.

Conversely, when victims' advocates are not engaged in the movement for reform, their voices can be co-opted by those opposed to reform. Crime Victims United, a California organization that advocates in favor of long, mandatory sentences, offers a good example of the pitfalls of failing to engage victims and their organizations. The organization advocates for legislative change and maintains political action committees to provide financial backing to candidates.⁶⁸ While led by a mother of a murder victim, Crime Victims United is the creation of, and financed by, the California Correctional Peace Officers Association – the state's correctional officers' union. By aligning with a victims' organization, the California Correctional Peace Officers Association gained public credence and a powerful source of support in its efforts to pass "tough on crime" legislation and weaken criminal justice reform.⁶⁹ Unfortunately, cases such as this further undermine meaningful juvenile justice reforms that would serve the interests of the public, victims, and youth. As San Francisco District Attorney Chesa Boudin noted, "We often justify sending mostly young people of color to prison for lengthy periods of time in the name of victims' rights, and yet victims are hung up to dry."⁷⁰

Victims and victims' rights advocates played important roles in reforms accomplished by the jurisdictions featured in this report. In Washington, DC, Kenny Barnes, the father of a young man murdered by a 17-year-old who had been under supervision by the District's juvenile justice system, testified against a push to send more youth into the adult criminal justice system. He then argued that these actions should not be taken in his son's name, and instead argued in favor of the reforms advocated by the DYRS, community members, and nonprofit groups to move away from incarceration and toward a community-based approach. Barnes formed the organization Reaching Out to Others Together, Inc., or ROOT, after his son was shot to death in 2001. In advocating for change, Barnes noted that the young man who murdered his son had been failed by a broken juvenile justice system, thus increasing the odds that he would engage in repeated

65 Alliance for Safety and Justice, Crime Survivors Speak: The First-Ever National Survey of Victims' Views on Safety and Justice (Oakland, CA, May 29, 2018), <https://allianceforsafetyandjustice.org/crimesurvivorsspeak/>.

66 Aben  Clayton, "We Can Stop the Cycle": Crime Survivors Work Toward Prevention, Not Policing," The Guardian, June 23, 2020, <https://www.theguardian.com/us-news/2020/jun/23/defund-police-violence-survivors-us>.

67 Clayton, "We Can Stop the Cycle."

68 Joshua Page, "Crime Victims United of California: A Powerful Voice in State Politics," Los Angeles Times, June 3, 2011, <https://www.latimes.com/opinion/la-xpm-2011-jun-03-la-oe-page-prison-guards-20110603-story.html>.

69 Page, "Crime Victims United of California."

70 Clayton, "We Can Stop the Cycle."

crimes.⁷¹ In Virginia, too, victims' advocates added an important dimension to the campaign for juvenile justice reform. According to Andrew Block, former director of Virginia's Department of Juvenile Justice, victims' advocates supported reforms because they saw justice-involved youth as victims themselves.⁷²

Justice-involved youth and their families constitute another key group that is central to the push for reform, often standing at the helm of campaigns to end reliance on incarceration and move toward community-based solutions. In many cases, such advocates stress the need for a greater policy focus on the needs of justice-involved youth and families to ensure that community-based approaches effectively promote positive development. In the early days of reform in Washington, DC for example, several organizations promoting the interests of youth and families joined forces to form the Justice for DC Youth Coalition.⁷³ The coalition's advocacy had a significant impact on Mayor Williams' Blue Ribbon Commission, and it later worked hand in hand with the city council to turn the recommendations of the commission into law. In Virginia, RISE for Youth, a youth and families advocacy group, worked strenuously to influence public and governmental opinion, lobbying for the closure of juvenile correctional facilities and adoption of community-based approaches.⁷⁴ Similarly, Youth Justice Milwaukee engaged youth and their families, as well as people who had been incarcerated as minors, to advocate on behalf of positive youth justice reforms. The Milwaukee group used an array of advocacy methods to push reform, including hosting a series of roundtables that brought diverse stakeholders together to discuss the need for fundamental change in the city's approach to juvenile justice.⁷⁵

Legal Advocates

Legal advocacy involves using the courts to bring attention to problems within the juvenile justice system and resolve individual and systemwide complaints. Legal advocates are often intimately involved in the justice system, serving either as defense counsel or as representatives for individuals or organizations suing the state, its representatives, and its facilities. In many cases, legal advocacy serves as the starting point for challenges to abuses in juvenile justice systems. Through media coverage and other means, lawsuits typically heighten awareness of system failings and provide the initial momentum for reform efforts.

In Washington, DC, for example, the ACLU and the District's Public Defender Service sued

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In Washington, DC, for example, the ACLU and the District's Public Defender Service sued the District over treatment and conditions in its Oak Hill Youth Center. The suit, *Jerry M.*, led to a consent decree in which the District agreed to address the problems at its juvenile correctional sites. Just as importantly, however, *Jerry M.* and several subsequent suits, which resulted in millions of dollars of fines and ongoing negative publicity, forced the District to consider fundamental reform.

⁷¹ ROOT, Inc., <http://www.rootinc.org> and Schiraldi, interview.

⁷² Block, interview.

⁷³ Ryan and Schindler, *Notorious to Notable*.

⁷⁴ RISE for Youth, <https://www.riseforyouth.org/about/campaign-overview/>.

⁷⁵ Moore, interview.

the District over treatment and conditions in its Oak Hill Youth Center. The suit, *Jerry M.*, led to a consent decree in which the District agreed to address the problems at its juvenile correctional sites.⁷⁶ Just as importantly, however, *Jerry M.* and several subsequent suits, which resulted in millions of dollars of fines and ongoing negative publicity, forced the District to consider fundamental reform.⁷⁷ In similar fashion, the work of legal advocacy groups in New York and Milwaukee placed the problems in those jurisdictions' juvenile justice systems squarely in public view, increasing pressure for change.

Government Advocates

Advocates from within juvenile justice institutions or other sectors of government can also play important roles in advancing reform efforts. The state of Virginia offers an excellent example of governmental advocacy at the highest level. There, Governor McAuliffe emerged as one of the state's most ardent advocates for juvenile justice reform after touring one of Virginia's youth prisons.⁷⁸ At a forum on criminal justice reforms at the Brookings Institute, the governor framed his support for change by noting that the juvenile justice reforms "support our ultimate goal of giving these kids a shot at a better life when they leave."⁷⁹ By lending his support to reform and appointing like-minded individuals to key positions within the system, McAuliffe played a key role in building momentum to reduce reliance on secure placements and expand community-based approaches.⁸⁰

Governmental advocacy can also be used to directly target specific problems within juvenile justice systems and bring about change. In Wisconsin in 2012, for example, now-retired Racine County Circuit Judge Richard Kreul sent a letter and memo detailing abuse to a youth at the state's juvenile prison to then-Governor Scott Walker. Following the report, Racine County officials decided to pull all youth from the county out of the institutions.⁸¹

Sometimes advocates working within government agencies are the first to spread awareness of problems within their systems. In Wisconsin, for example, many of the early reports of abuse at the juvenile correctional facilities came from a group of professionals working within the Milwaukee County Health and Human Services Department and the state Public Defender Office.⁸² In New York, Carrión's efforts while serving as the state's Commissioner of the Office of Child and Family Services offer perhaps the best example of administrator advocacy as a means of broadening public awareness. In 2008, Carrión launched a publicity campaign called

76 *Jerry M.*, 571 A.2d 178.

77 Ryan and Schindler, *Notorious to Notable*.

78 Michael Martz, "McAuliffe Tours Beaumont to Tout Transformation Plan," *Richmond Times-Dispatch*, January 16, 2016, https://richmond.com/news/local/government-politics/mcauliffe-tours-beaumont-to-tout-transformation-plan/article_cd818189-bbeb-5263-87e7-5ed459a37f3c.html.

79 Governor Terry McAuliffe, "The Need for Criminal Justice Reform in America (Brookings Institution)," C-SPAN, Washington, DC, August 28, 2017, <https://www.c-span.org/video/?433121-1/virginia-governor-calls-criminal-justice-revolution>.

80 McAuliffe (C-SPAN), "The Need for Criminal Justice Reform."

81 Jason Stein and Patrick Marley, "Racine County Pulled Youths from Lincoln Hills Because of Botched Case," *Milwaukee Journal Sentinel*, February 11, 2016, <http://archive.jsonline.com/news/statepolitics/racine-county-pulled-youths-from-lincoln-hills-because-of-botched-case-b99668911z1-368536621.html>.

82 Mark Mertens (Administrator, Division of Youth and Family Services at Milwaukee County Department of Health and Human Services), email message to author, June 22, 2020.

"Empty Beds, Wasted Dollars."⁸³ The campaign focused on the irrationality of spending hundreds of thousands of dollars per youth at the same time that juvenile crime rates were dropping drastically and the number of youth served in secure facilities was also on the decline. The initiative effectively used dollars-and-cents logic not only to put problems within the juvenile justice system before the public, but also to drive consensus for reform by artfully tying "the complete failure of the system" to the "waste of the taxpayers' dollars."⁸⁴

Carrión's efforts highlight another aspect of the crucial role that advocates within government can play: serving as a nexus for combined reform efforts. For example, Carrión worked closely with the Correctional Association of New York's Juvenile Justice Coalition to conceptualize and implement "Empty Beds, Wasted Dollars" and to maximize the campaign's impact on a broad range of stakeholders.⁸⁵ Carrión also used the campaign as an opportunity to allow the media to see for itself how bad the youth facilities were. She created close ties with members of the editorial boards of New York newspapers and leveraged those relationships to ensure the voices of people within multiple communities were heard by those in power.⁸⁶ Through these multi-faceted efforts, Carrión helped link numerous strands of advocacy, fortifying the movement for change.

Philanthropic Foundations

Foundation-based influence is another key element in jurisdictions' efforts to engineer effective, efficient, and equitable reform. Foundations not only play a leading role in funding reform efforts, but also can help create momentum for change by providing research to validate objectives, particularly those centered on community-based approaches. Through the expertise of their staff, foundations also have played a critical role in planning and implementing change.

One of the key players in this area has been the Annie E. Casey Foundation. In Washington, DC, the Casey Foundation helped fund Mayor Anthony Williams' Blue Ribbon Commission in 2000, which spurred legislation that helped end reliance on incarceration.⁸⁷ Both the Tiger Foundation and the Atlantic Philanthropies provided funding for New York Governor David Paterson's Task Force on Transforming Juvenile Justice.⁸⁸ The Casey Foundation also helped to shape the Close to Home efforts in New York City.⁸⁹

83 Weissman, Ananthakrishnan, and Schiraldi, Moving Beyond Youth Prisons.

84 Carrión, interview.

85 Weissman, Ananthakrishnan, and Schiraldi, Moving Beyond Youth Prisons.

86 Carrión, interview.

87 Ryan and Schindler, Notorious to Notable.

88 Task Force on Transforming Juvenile Justice, Charting a New Course.

89 Center for Children's Law and Policy, Implementation of New York's Close to Home Initiative: A New Model for Youth Justice (Washington, DC: February 2018), <https://www.cclp.org/wp-content/uploads/2018/02/Close-to-Home-Implementation-Report-Final.pdf>.

Nonprofit organizations

Nonprofit advocates influence the success of reform coalitions by representing the broad array of groups involved in and impacted by the juvenile justice system. At their best, they work in partnership with community members, organizations, victims of crime, youth involved in the juvenile justice system and their families, and others to ensure they are meaningfully included in the reform process and that their voices are heard. These groups and their advocates can offer powerful support for reform and are vital to manifesting a juvenile justice system centered on community-based approaches. For example, the Correctional Association of New York (along with the New York office of the Children's Defense Fund) led an effort in New York City to build a coalition of more than 50 organizations, called the Juvenile Justice Coalition, to provide additional research and expertise to the emergent reform movement there.⁹⁰

Key Takeaways

Build a broad-based coalition of support for juvenile justice reform that includes legal, governmental, nonprofit advocacy organizations, and foundation advocates.

Broad-based coalitions can provide assistance in a range of areas: financial, technical, and legal expertise, helping change public opinion.

Draw on sources of support that are often overlooked.

It is crucial to include victims and families of youthful offenders in the coalition.

90 Weissman, Ananthakrishnan, and Schiraldi, *Moving Beyond Youth Prisons*.

LESSON THREE: DEVELOP A COMPREHENSIVE PLAN FOR REFORM

In each of the jurisdictions featured in this report, the development of plans for reform occurred over several years. To succeed, planning efforts required considerable funding and professional expertise, as well as input from a broad range of stakeholders. The planning phase of reform requires examining the needs of such stakeholders, coordinating efforts, establishing a system for measuring outcomes, providing a mechanism for quality assurance, and identifying methods to ensure continuous improvement. Perhaps most importantly, planning must begin with an assessment of youth currently in the system – who they are, the reasons for their commitment, and their needs.

New York City's planning effort, which eventually was encompassed by the Close to Home Initiative, offers an outstanding example of how a jurisdiction can prepare for systemic change. As sentiment in support of reform spread, New York City's leadership recognized the need for a well-defined and detailed blueprint for its efforts. The process began with a careful examination of data on the city's population of justice-involved youth. This initial step, which occurred in 2006, was accomplished through the implementation of a risk assessment instrument developed in conjunction with the Vera Institute of Justice. The analysis of the justice-involved youth population data was implemented on a citywide basis in 2008.⁹¹

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The planning phase of reform requires examining the needs of such stakeholders, coordinating efforts, establishing a system for measuring outcomes, providing a mechanism for quality assurance, and identifying methods to ensure continuous improvement. Perhaps most importantly, planning must begin with an assessment of youth currently in the system – who they are, the reasons for their commitment, and their needs.

In 2008, then-Governor Paterson also called for the formation of a task force on juvenile justice reform, noting that it was imperative that the state "seek alternatives to a costly system that is not serving New York's children, families and communities well."⁹² The Task Force on Transforming Juvenile Justice was charged with investigating a broad range of topics, including a shift away from incarceration toward community-based solutions, the need to improve conditions within secure facilities, the use of approaches proven to be more effective in reducing recidivism, and the mitigation of racial disparities within the system. Its

⁹¹ Jennifer Fratello, Annie Salsich, and Sara Mogulescu, *Juvenile Detention Reform in New York City: Measuring Risk through Research* (New York, NY: Vera Institute of Justice, April 2011), https://www.vera.org/downloads/Publications/juvenile-detention-reform-in-new-york-city-measuring-risk-through-research/legacy_downloads/RAI-report-v7.pdf.

⁹² Executive Chamber, "Governor Paterson Announces Task Force on Transforming New York's Juvenile Justice System," news release, September 10, 2008, https://ocfs.ny.gov/main/documents/press/NYS_OCFS_PRESS_091008_Task_force_transforming_Juvenile_Justice.pdf.

December 2009 report called for extensive changes in the juvenile justice system, including a dramatic reduction in the state's reliance on juvenile incarceration.⁹³

Propelled by the task force findings, and with a detailed assessment of its juvenile justice population in hand, New York City then created a commission to determine the elements necessary to engage in reform. Convened in 2010, the Dispositional Reform Steering Committee was tasked with investigating and planning the changes necessary to make the proposed Close to Home Initiative both viable and effective. In order to provide the committee with a broad range of expertise, the city included in its membership stakeholders from across the spectrum of juvenile justice, including those impacted by it. The committee established four primary subcommittees to focus on data, residential care, community-based interventions, and education.⁹⁴

After a year of work, the committee released a report outlining seven key planning elements for the Close to Home Initiative:⁹⁵

Include a broad range of stakeholders in the design process. This is essential given the complexity of the juvenile justice system, the number of agencies and staff involved, and the resources needed both within the system and in community-centered alternatives.

Learn from others. The committee sought and utilized input from several other jurisdictions that had achieved success in reforming their juvenile justice systems.

Understand the population of justice-involved youth. In order to decrease reliance on incarceration and develop more effective community-based alternatives, a jurisdiction needs accurate data on both the risks and needs of youth who have committed a crime.

Establish processes to guide dispositions. Data on youth and their offenses, the needs of each individual, and the resources available must inform decisions about how and where to serve youths. These elements must be included in a set of guidelines that should govern decisions pertaining to how justice-involved youth will be served (e.g., a Structured Decision-Making Grid).

Emphasize community-based services. Planning should focus on providing community-based services. This also requires working with communities to identify resources, choose providers, and structure continua of care.

Establish local resident capacity. Residential secure placement should be minimized and located close to a youth's community. Facilities must be designed to provide youths with the type of environment, programming, and services necessary to optimize opportunities for positive development, and should be trauma informed and healing centered.

Gather community input. To ensure juvenile justice reform centers on community-based

93 Task Force on Transforming Juvenile Justice, Charting a New Course.

94 Mayor Michael Bloomberg's New York City Dispositional Reform Steering Committee, Re-envisioning Juvenile Justice in New York City, 2012, http://www.nyc.gov/html/prob/downloads/pdf/reinvisioning_juvenile_justice_report_revised.pdf.

95 New York City Dispositional Reform Steering Committee, Re-envisioning Juvenile Justice; Weissman, Ananthakrishnan, and Schiraldi, Moving Beyond Youth Prisons; and Center for Children's Law and Policy, Implementation of New York's Close to Home Initiative.

solutions, it is necessary to engage the community. Community members must be able to voice concerns, offer opinions, and make choices in order to optimize their positive impact on reform.

Like New York City, the other jurisdictions discussed in this report went through a similarly laborious, resource-heavy planning process. Washington, DC's experience, for example, stretched over several years after the conclusion of Mayor Williams' Blue Ribbon Commission. It included the creation of a cabinet-level agency, the Department of Youth Rehabilitation Services (DYRS), to replace DC's Youth Service Administration, which was under the larger cabinet-level Department of Human Services. Under the leadership of Vincent Schiraldi, DYRS spent several years working with a broad range of stakeholders to define a new vision for juvenile justice and put in place a structure for bringing it to fruition.⁹⁶

In 2016, Virginia went through a similar analysis of its juvenile justice system. This work led to the development of a plan to transform the Department's work by reducing the use of large correctional facilities, reforming its correctional and treatment practices, and replacing the two largest facilities with smaller regional and treatment-oriented facilities. These plans also included a requirement for yearly planning and a review of reports, which continue today.⁹⁷

The description of these jurisdictions' planning efforts is not exhaustive. A host of other issues related to the maintenance of the juvenile justice system, as well as efforts to continually improve the system, require careful consideration as well. Further, it is worth noting that all jurisdictions relied on outside expertise, assistance, and funding to help them plan for reform. For some, this involved working in conjunction with outside organizations and other jurisdictions to receive guidance on planning, analysis, technical and data capabilities, as well as funding. For others, such as Milwaukee, it involved asking outside organizations to conduct reviews.⁹⁸ Taken together, the experiences of all four jurisdictions suggest that acquiring help from foundations, organizations, and other entities constitutes an important aspect of the planning process.

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In 2016, Virginia went through a similar analysis of its juvenile justice system. This work led to the development of a plan to transform the Department's work by reducing the use of large correctional facilities, reforming its correctional and treatment practices, and replacing the two largest facilities with smaller regional and treatment-oriented facilities.

Key Takeaways

Reform requires extensive and comprehensive planning.

Planning efforts must include a broad range of stakeholders.

Planning should draw upon the efforts of other jurisdictions.

Planning should focus on reducing reliance on incarceration and increasing use of community-based alternatives.

⁹⁶ Schiraldi, interview and Ryan and Schindler, *Notorious to Notable*.

⁹⁷ Virginia Department of Juvenile Justice, *Transformation Plan 2020*.

⁹⁸ Robert F. Kennedy Children's Action Corps (Robert F. Kennedy National Resource Center for Juvenile Justice), Milwaukee County, WI Probation System Review Final Report (Lancaster, MA: August 2017).

LESSON FOUR: CODIFY REFORMS THROUGH LEGISLATION

Effective and lasting reform cannot occur unless it is codified through legislation that defines the mission of a jurisdiction's juvenile justice system, the details of its operational approach, and the means to implement change. All four of the jurisdictions featured in this blueprint passed legislation that enacted juvenile justice reform. Most of the legislation included several common facets tied to the vision of change articulated by advocates and the various investigatory and planning bodies engaged in reform. Perhaps the most common element found in legislation was the closure of large youth prisons and secure facilities, or the reduction of a jurisdiction's reliance upon such institutions. Several jurisdictions went further, passing bills that included directives mandating a shift toward community-based alternatives.

A second ingredient shared by most reform legislation was a specified funding mechanism. In each of the jurisdictions, legislation mandated that monies saved through the closure or downsizing of large secure facilities be invested in community-based approaches to the rehabilitation of youth who commit crimes.

Wisconsin's reform bill, Act 185, signed into law by then-Governor Scott Walker in 2018, mandated the closure of the state's two main youth prisons, Lincoln Hills School for Boys and the Copper Lake School for Girls, by 2021. While the Act stipulated that these facilities be replaced by smaller, more localized secure facilities for youth who commit serious crimes and directed that other youth be managed in small county-run centers, it did not mandate the use of or provide funding for community-based alternatives to incarceration.⁹⁹

Despite this limitation, officials in Milwaukee have used savings from not sending youth to state-run secure facilities to fund community-based approaches.¹⁰⁰

In New York, efforts to reform juvenile justice began in 2011 through the state's budgetary process.¹⁰¹ The law included a provision that would give local jurisdictions the option to use state detention funds for alternatives, such as community-based supervision and treatment

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The law included a provision that would give local jurisdictions the option to use state detention funds for alternatives, such as community-based supervision and treatment programs. The following year, the legislature passed the broad set of reforms known as the Close to Home Initiative. The purpose of this juvenile justice package was to vastly decrease the use of incarceration in favor of community-based facilities and services providing youth with a continuum of care.

99 Milwaukee County Health and Human Services, "The Future of Youth Justice in our Community: Act 185 in Milwaukee County," <https://county.milwaukee.gov/EN/DHHS/DYFS/Act-185>.

100 Mendez, "Milwaukee County Sees Progress."

101 New York City Administration for Children's Services, "Close to Home 2012 Archived Documents, Background," <https://www1.nyc.gov/site/acs/about/close-to-home-2012-archived-documents.page>; New York State Social Services Law § 404, Juvenile Justice Services Close to Home Initiative (2012), <https://ocfs.ny.gov/programs/rehab/assets/docs/c2h/C2H-Enabling-Legislation.pdf>; and Weissman, Ananthakrishnan, and Schiraldi, Moving Beyond Youth Prisons.

programs.¹⁰² The following year, the legislature passed the broad set of reforms known as the Close to Home Initiative. The purpose of this juvenile justice package was to vastly decrease the use of incarceration in favor of community-based facilities and services providing youth with a continuum of care.¹⁰³

Virginia's legislative mechanism for enacting juvenile justice reform was H.B. 29, passed in 2016. This law funded efforts to shift away from reliance on incarceration for justice-involved youth by granting the Virginia Juvenile Justice Department authority to divert savings from the closure of two large juvenile correctional facilities toward the construction of smaller regional secure facilities – and to cover costs of serving youth in alternative, community-based programs.¹⁰⁴

In response to the findings of Mayor Williams' Blue Ribbon Commission, the District of Columbia's City Council passed the Omnibus Juvenile Justice Act of 2004.¹⁰⁵ As the name suggests, the act was far-ranging and sought to codify a host of changes to the District's juvenile justice system. The act included introductory language declaring its intent to produce a juvenile justice system that promotes positive youth development through early intervention, diversion, community-based approaches, and reduced reliance on arrest and incarceration. Toward that end, the law mandated the closure of the Oak Hill Youth Center in 2009 and the development of individualized treatment plans for committed youth.¹⁰⁶ Subsequent legislation in 2005 further facilitated reform efforts by creating the Department of Youth Rehabilitation Services as a cabinet-level agency within the District government.¹⁰⁷

Key Takeaways

For reform to be meaningful and lasting, it must be codified.

Legislation codifying juvenile justice reform must include funding mechanisms.

Funding for reform should include the diversion of monies spent on incarceration into community-based services and supports.

102 Weissman, Ananthakrishnan, and Schiraldi, Moving Beyond Youth Prisons and State of New York, New York at a Crossroads: A Transformation Plan for a New New York (2011-12 Executive Budget Briefing Book), <https://www.budget.ny.gov/pubs/archive/fy1112archive/eBudget1112/fy1112littlebook/BriefingBook.pdf>.

103 New York City Administration for Children's Services, "Close to Home 2012 Archived Documents, Background."

104 Virginia Department of Juvenile Justice, Transformation Plan 2017 Update.

105 Ryan and Schindler, Notorious to Noble and Omnibus Juvenile Justice Act of 2004, DC Law 15-261, Washington, D.C. City Council, March 17, 2005, <https://code.dccouncil.us/dc/council/laws/docs/15-261.pdf>.

106 Omnibus Juvenile Justice Act of 2004, D.C. Law 15-261.

107 Ryan and Schindler, Notorious to Notable and Department of Youth Rehabilitation Services Establishment Act of 2004, DC Law 15-335, Washington, DC City Council, April 12, 2005, <https://code.dccouncil.us/dc/council/laws/docs/15-335.pdf>.

LESSON FIVE: REDUCE BOTH THE CONFINEMENT OF YOUTH AND RACIAL DISPARITIES IN SECURE FACILITIES THROUGH CAREFUL RISK AND NEEDS ASSESSMENT AND DECREASED LENGTH OF STAY.

If the primary goal of juvenile justice reform is to move away from systems focused on punishment and confinement to alternatives dedicated to developing healthy, successful members of society, the most direct path toward that goal is to substantially reduce the number of youth in secure facilities. Two mechanisms offer the greatest promise for achieving such population reductions: appropriately assessing risk and needs and decreases in length of stay.

Using Risk and Needs Assessment

Careful risk assessment offers a host of benefits to help juvenile justice officials fashion a more effective and fair system. First and foremost, it can provide validated data assessment measures to evaluate the potential risks posed by an individual. It can also help identify the specific needs of youth and their families, allowing for the delivery of tailored treatment and other interventions. Finally, carefully assessing risk and needs can anchor decision-making in data, increasing the likelihood that system processes are objective and equitable.¹⁰⁸

All the jurisdictions examined in this report made careful assessment (including through tools assessing data) central to reform efforts, and their use helped reduce the placement of youth in secure facilities. In New York City, the initial assessment tool used was the Risk Assessment Instrument (RAI), which collected a variety of data to identify correlative factors that were most predictive of the likelihood of reoffending.¹⁰⁹ This, in turn, helped guide placement decisions and identify needed treatment and services for individual youth.

Eventually, New York City moved away from using the RAI due to a perceived flaw in its weighting structure. Specifically, the RAI led to secure placement of youth with high treatment needs even when other elements of analysis suggested these youth had a low risk of reoffending.¹¹⁰ New York City's experience offers an important lesson: assessment tools evolve as conditions, risk and needs factors, developmental science, and statistical analysis change.

108 Gina M. Vincent, Laura S. Guy, and Thomas Grisso, *Risk Assessment in Juvenile Justice: A Guidebook for Implementation* (Washington, DC: National Youth Screening & Assessment Project of Models for Change, November 2012), https://njjn.org/uploads/digital-library/Risk_Assessment_in_Juvenile_Justice_A_Guidebook_for_Implementation.pdf and Tim Decker, *A Roadmap to the Ideal Juvenile Justice System* (Washington, DC: Juvenile Justice Leadership Network, Center for Juvenile Justice Reform, Georgetown University, July 2019), <https://youthrex.com/wp-content/uploads/2020/03/A-Roadmap-to-the-Ideal-Juvenile-Justice-System-Digital-Release.pdf>.

109 Fratello, Salsich, and Mogulescu, *Juvenile Detention Reform in New York City*.

110 New York City Dispositional Reform Steering Committee, *Re-envisioning Juvenile Justice*.

Ultimately, New York City turned to the implementation of a Structured Decision-Making system (SDM), a tool also used in Washington, DC.¹¹¹ An SDM cross-analyzes factors related to the likelihood of reoffending with the severity of the given offense to determine appropriate levels of restriction in placement. The SDM also allows jurisdictions to pinpoint individual needs, thereby allowing for effective decisions about placement and services.¹¹²

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Similarly, Mark Mertens, the Administrator of the Milwaukee County Department of Health and Human Services Division of Youth and Family Services, admits that despite the best efforts of the county, which are ongoing, racial disparities remain pervasive throughout Milwaukee's juvenile justice system. Indeed, more than 95 percent of all incarcerated youth in the county are youth of color.

Both Virginia and Milwaukee use assessment tools that are variations of the SDM. Virginia fully implemented its SDM in January 2020 after piloting the tool in five sites. And Milwaukee uses a Detention Risk Assessment Instrument that places an array of factors into a matrix to decide whether youth need to be placed into secure facilities or can be served through community-based alternatives. Both jurisdictions employ a Youth Assessment Screening Instrument, which uses psychosocial histories of justice-involved youth and their families, as well as other risk and needs factors, to fashion individualized service and treatment plans.¹¹³

While RAIs are crucial in the effort to reform juvenile justice, they can be flawed. Much concern has been raised about the tendency of RAIs to mask implicit biases within the system, especially those related to racial inequalities. Critics of RAIs have pointed out that, despite the best intentions of RAIs' designers and users, the tools nonetheless depended on inputs and weighting systems that have resulted in an over-prediction of risk for youth of color.¹¹⁴

Given these concerns, the employment of risk and needs assessment tools need to be carefully considered. Perhaps more to the point, they need to be carefully calibrated to ensure that they do not unintentionally maintain racial inequality within

juvenile justice systems. Risk and needs assessment tools should be reviewed by jurisdictions and available advisory groups to ensure that the inputs employed do not "introduce bias into the instrument." RAIs should also be carefully tailored to fit the jurisdictions in which they are being used. Finally, risk and needs assessment tools must be regularly evaluated and refined to ensure that they reduce inequality within juvenile justice systems.¹¹⁵

¹¹¹ New York City Dispositional Reform Steering Committee, Re-envisioning Juvenile Justice and District of Columbia Department of Youth Rehabilitation Services, FY 2019 DYRS Annual Report, https://dyrs.dc.gov/sites/default/files/dc/sites/dyrs/page_content/attachments/AnnualReportFY2019Web_0.pdf.

¹¹² District of Columbia Department of Youth Rehabilitation Services, 2011 DYRS Annual Performance Report, "Section 1: Overview of DYRS," March 2, 2012, <https://dyrs.dc.gov/sites/default/files/dc/sites/dyrs/publication/attachments/2011%20DYRS%20Annual%20Performance%20Report%20-%20-%20Section%201%20Overview%20of%20DYRS.pdf>.

¹¹³ Virginia Department of Juvenile Justice, Transformation Plan 2020 Update, and Milwaukee County Division of Youth and Family Services (Milwaukee County Department of Health and Human Services) "Youth Justice Reform: System Operations, Case Processing," <https://county.milwaukee.gov/EN/DHHS/DYFS/Youth-Justice-Reform>.

¹¹⁴ Victor St. John, Kelly Murphy, and Akiva Liberman, Recommendations for Addressing Racial Bias in Risk and Needs Assessment in the Juvenile Justice System (Bethesda, MD: Child Trends, January 2020), https://www.childtrends.org/wp-content/uploads/2020/01/Duke-Risk-Assessment-FAQ_ChildTrends_Jan2020-1.pdf.

¹¹⁵ St. John, Murphy, and Liberman, Recommendations for Addressing Racial Bias.

Overall, the appropriate application of assessment tools provides the basis upon which jurisdictions can safely divert youth away from secure placement and craft individualized service and treatment plans that help ensure positive development.

Reducing Numbers and Racial Disparities in Secure Placements

While impressive progress has occurred in both reducing overall numbers of youth in secure placements and shifting toward community-based alternatives, certain problems continue to burden the juvenile justice systems of even the most reform-committed jurisdictions. One of the most intractable obstacles to fundamental reform has been racial disparities within juvenile justice systems, especially those pertaining to secure placement. As Valerie Boykin, the Director of the Virginia Department of Juvenile Justice, noted, despite the progress made in Virginia, “Black and Brown youth are still overrepresented at every decision point in the juvenile justice system.” She added that these disparities only increase as one penetrates deeper into the system. While Boykin has pledged to address racial disparity “head-on,” her comments illustrate the perniciousness of inequalities based on color within juvenile justice and the need to double-down on efforts to end them.¹¹⁶

Similarly, Mark Mertens, the Administrator of the Milwaukee County Department of Health and Human Services Division of Youth and Family Services, admits that despite the best efforts of the county, which are ongoing, racial disparities remain pervasive throughout Milwaukee’s juvenile justice system. Indeed, more than 95 percent of all incarcerated youth in the county are youth of color. In order to continue fighting to eradicate these disparities, Mertens argues that the county must acknowledge and address the historic and systemic racism that have plagued both society and policing.¹¹⁷

A recent report by the Annie E. Casey Foundation found that youth of color remain much more likely to be placed in secure facilities than their white counterparts.¹¹⁸ This disparity continues despite significant national decreases in the overall number of incarcerated youth. To address this problem and challenge the argument that racial disparities in placements are intractable, the Casey Foundation worked with 12 jurisdictions to help them enact race-conscious reforms of their juvenile justice systems.¹¹⁹

The goal was to shrink the number of youth of color placed in secure facilities, or what is referred to as the “deep end” of the system, by examining data through a racial lens and adopting intervention strategies that specifically target youth of color. These efforts, which began in 2013, have significantly reduced racial disparities in the distribution of youth throughout the juvenile justice system.¹²⁰

¹¹⁶ Virginia Department of Juvenile Justice (Valerie Boykin, Director), “Director’s Message: Race and Reconciliation/2020 Vision,” June 15, 2020, <http://www.djj.virginia.gov/pages/about-djj/directors-message.htm>.

¹¹⁷ Mertens, interview.

¹¹⁸ Annie E. Casey Foundation, *Leading with Race to Reimagine Youth Justice: JDAI’s Deep-End Initiative* (Baltimore, MD: April 27, 2020), <https://www.aecf.org/resources/leading-with-race-to-reimagine-youth-justice> and Joshua Rovner, *Racial Disparities in Youth Commitments and Arrests* (Washington, DC: The Sentencing Project, April 1, 2016), <http://www.sentencingproject.org/publications/racial-disparities-in-youth-commitments-and-arrests/>.

¹¹⁹ Annie E. Casey Foundation, *Leading with Race*.

¹²⁰ Annie E. Casey Foundation, *Leading with Race*.

The project's success stemmed from the implementation of three strategies. The first, "race-conscious system mapping," examined the various points at which youth can be diverted away from the justice system and the ways that race and ethnicity affected how and when youth entered and left the system. The second strategy focused on using racially explicit data to identify the points of decision-making that most commonly increased racial disparities. Based on this analysis, jurisdictions then executed a third strategy: adopting reforms in policy, practice, programs, and partnerships that mitigated racial disparities in the way that youth were served.¹²¹

The changes adopted through this effort centered on five areas: disposition decisions, diversion, probation practices, family engagement, and community engagement. The reforms were intended to ensure that fewer youth of color entered the juvenile justice system, and that those who did had more opportunities to successfully exit and remain out of the system. The reforms included:

Revising dispositional guidelines to ensure that fewer youth are placed in residential facilities;

Expanding the diversion of youth of color away from delinquent behavior before they enter the system;

Using individualized probation plans that focus more on incentives than on punishment;

Reframing probation officers as coaches and mentors;

Increasing family involvement in juvenile justice processes, improving support to families, and adopting a broader definition of familial relations; and

Increasing reliance on partnerships with community members and organizations capable of helping youth of color develop stronger, healthier relationships with their communities.¹²²

Shortening Length of Stay

Given that some jurisdictions may continue to operate under juvenile justice laws that mandate some level of secure residential placement, adjusting the duration of such placements can be a key element of reform. Shorter terms in residential facilities offer several benefits. First and most obvious, reducing length of stay helps to consistently lower the overall number of youth served in secure and residential facilities.¹²³ Second, and perhaps just as importantly, shortening terms of stay helps ensure that community-based approaches to juvenile justice are optimized. Although residential placement may be necessary for youth deemed most likely to pose a risk to society or themselves, the rehabilitation of such youth will ultimately require development within the community. Placement in secure residential facilities impedes, or at least delays that process. Moreover, as juvenile justice systems invest more heavily in incarceration alternatives, community

¹²¹ Annie E. Casey Foundation, *Leading with Race*.

¹²² Annie E. Casey Foundation, *Leading with Race*.

¹²³ Justice Policy Institute and The National Center for Victims of Crime, *Smart, Safe, and Fair* and Schiraldi, Western, and Bradner, *New Thinking in Community Corrections*.

capacity to effectively serve youth increases. By reducing the required duration of residential placement, juvenile justice systems return youth to their respective communities more rapidly, thereby accelerating their positive development.¹²⁴

Both New York City and Virginia reformed placement guidelines as a means of emphasizing community-based rehabilitation. Prior to the implementation of reform, justice-involved youth in New York City averaged stays of 11 months in state-run facilities and 13 months in facilities operated by private agencies. As early as 2009, New York City began seeking to reduce length of stay for youth through the creation of the Intensive Aftercare Program. The program, which provided enhanced services for youth after their release from residential facilities, resulted in a drop in the duration of placement to nine and 11 months, respectively, for state and privately run residential facilities.¹²⁵

In Virginia, efforts to shift from incarceration to community-centered alternatives were enhanced by revisions to length of stay guidelines. Prior to this reform, youth committed to the direct care of the state's juvenile secure residential facilities averaged stays of 14 months. After these guideline revisions, however, the average confinement was reduced to eight months. In making this shift, the state reduced the overall number of youth in secure residential placements while increasing the use of community-based services.¹²⁶

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One lesson noted in the implementation of New York's Close to Home Initiative was the need to allow sufficient time to recruit and hire enough new employees to staff community-based alternatives to non-local residential settings. The adoption of more sophisticated and accurate assessment tools and systems predicated on positive youth justice may also necessitate new hiring protocols.

Key Takeaways

Careful risk assessment and data-driven systems for decision making in regards to placement are vital to the implementation of reform.

Reforms should emphasize both reduced placement in secure facilities and shortened lengths of stay.

Reforms must address continuing racial disparities within juvenile justice systems, especially as they pertain to placement in secure facilities.

¹²⁴ Justice Policy Institute and The National Center for Victims of Crime, Smart, Safe, and Fair.

¹²⁵ Butts, Negredo, and Elkin, Staying Connected.

¹²⁶ Virginia Department of Juvenile Justice, Transformation Plan 2017 Update and Virginia Department of Juvenile Justice, Transformation Plan 2020 Update.

LESSON SIX: ADJUST HIRING, TRAINING, AND CASE MANAGEMENT TO REFLECT PRINCIPLES AND GOALS OF REFORM

Overhauling juvenile justice practices based on a new philosophical approach can cause reverberations throughout the agencies affected by reform. In many cases, such agencies need to hire staff members with the skills and experience suited to the new operational policies and practices. For existing employees, extensive training is typically required to fill knowledge and experience gaps and ensure the embrace of new approaches. Successful reform also depends on careful case management that aligns with the underlying principles of positive youth justice.

Hiring/Training

In the jurisdictions examined here, much of the effort to fulfill the staff requirements for transformed juvenile justice systems focused on new hires and extensive training and professional development of existing staff. As stated by Mark Mertens, Administrator of Milwaukee County's Division of Youth and Family Services, "Most of the reported abuses in the youth correctional facilities were happening to youth of color. It was evident that many abuses stemmed from the lack of diversity and that the institutions were lacking in Youth Corrections Officers who looked like or could relate to our youth. It was clear that training and oversight was minimal, and that any culture of care and rehabilitation had almost completely dissipated."¹²⁷

One lesson noted in the implementation of New York's Close to Home Initiative was the need to allow sufficient time to recruit and hire enough new employees to staff community-based alternatives to non-local residential settings.¹²⁸ The adoption of more sophisticated and accurate assessment tools and systems predicated on positive youth justice may also necessitate new hiring protocols. In Washington, DC, the implementation of reform led to new hires of mid-level managers who were either familiar with or open to the philosophy of positive youth justice.¹²⁹

In addition, DC's Department of Youth Rehabilitation Services went through a process, including negotiations with its labor union to reclassify frontline staff in its secure facilities, increasing educational requirements for the job and changing the title from "Youth Correctional Officers" to "Youth Development Representatives." The DYRS also implemented changes within its case management system, shifting from employing non-licensed case managers to employing licensed social workers. It also began requiring pre-service certification for all DYRS employees.¹³⁰

¹²⁷ Mertens, email, June 2020.

¹²⁸ Weissman, Ananthakrishnan, and Schiraldi, *Moving Beyond Youth Prisons*.

¹²⁹ Daly, Kapur, and Elliott, *Capital Change*.

¹³⁰ District of Columbia Department of Youth Rehabilitation Services, *Agency Progress Report 2014*, [https://dyrs.dc.gov/sites/default/files/dc/sites/dyrs/page_content/attachments/DYRS_Agency_Report_2014_\(web-ready\).pdf](https://dyrs.dc.gov/sites/default/files/dc/sites/dyrs/page_content/attachments/DYRS_Agency_Report_2014_(web-ready).pdf).

Similarly in Milwaukee, reforms included the development of an extensive new hire on-boarding system that involved training intended to “acclimate all new staff into the [Delinquency and Court Services Division] culture and to workplace expectations.”¹³¹

Training for both existing and new staff should focus on the overarching concepts of positive youth justice and the day-to-day policies and procedures that govern all aspects of the juvenile justice system, from intake to planning, direct supervision, and care. Reform also often requires reorganization of staff, which creates additional training needs. Newly adopted training regimens and standards for hiring should be applied to contract organizations and providers used in a jurisdiction's continuum of care. Finally, training must be seen as an ongoing process, with new and refresher sessions offered regularly.

The jurisdictions highlighted in this report offer useful insights into the array of changes that may be needed in the training and hiring of juvenile justice system staff and providers. For example, the changes instituted in Washington, DC, offer an outstanding example of how a system should align new training practices with the central philosophy underlying juvenile justice reform. Early on in its transformation, the District's DYRS recognized that many of its staff lacked the training, work experience, or sometimes willingness necessary to facilitate the adoption of a systemic approach based on positive youth justice. As former Director of DYRS Vincent Schiraldi stated, “I recognize that I asked a lot of dramatic change out of my staff and that change is hard for some, particularly those who have worked in a stagnant bureaucracy for years.”¹³²

In light of this, the DYRS leadership implemented a series of changes. First, they reorganized its secure facility staff into small units that worked consistently with the same youth, and created the positions of unit manager and behavioral health clinician for each unit. Second, staff members were required to complete a rigorous six-week training program provided by the Missouri Youth Services Institute, a nonprofit organization created to help jurisdictions with reform efforts. Third, the department replaced some mid-level managers whose backgrounds were not in line with the new governing philosophy. Finally, all new hires were required to have a minimum of 30 hours of college credit.¹³³

Administrators also added several mechanisms to provide ongoing training. One example was the creation of a program of professional development that included pre-service certification for all new employees and continuing education for existing staff. They also developed training modules for managers and partnered with George Washington University to create a Leadership Academy.¹³⁴

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“I recognize that I asked a lot of dramatic change out of my staff and that change is hard for some, particularly those who have worked in a stagnant bureaucracy for years.”

— former Director of DYRS Vincent Schiraldi —

131 Robert F. Kennedy Children's Action Corps, Milwaukee County, WI Probation Systems Review.

132 Schiraldi, interview.

133 Daly, Kapur, and Elliott, Capital Change.

134 District of Columbia Department of Youth Rehabilitation Services, Agency Progress Report 2014.

Like the District's juvenile justice agency, Milwaukee's Department of Youth and Family Services focused considerable training on acclimating its staff to the philosophies of positive youth justice and adolescent brain development. The new regimen included comprehensive module-based training for all new hires. In essence, the training served as a means of onboarding new employees in a manner that would effectively ground them in the culture of the institution. The extensive training also extended to building staff skills in the practices and protocols of the new system. This included supplemental instruction on the use of its assessment instrument, the implementation of motivational interviewing techniques, and supervisory coaching. The department also created a program of professional development, which provides all staff with up to 20 hours of training each year.¹³⁵

In New York City, the adoption of the Close to Home Initiative and the shift to oversight by the Administration for Child Services created a situation in which many employees, though experienced in working with children, lacked training on how to serve justice-involved youth in alignment with the new mandates. To mitigate this problem, administrators implemented an extensive training program covering the use of new decision-making tools, case planning, and practices and protocols relevant to day-to-day supervision in residential facilities. New York officials also developed a specialized small group of supervisors and staff tasked with planning and implementing key changes in the system. Finally, the regimen inaugurated under Close to Home offered training and coaching for community-based providers, as well as educational and informational outreach to stakeholders.¹³⁶

Virginia also made extensive training a central part of its efforts to radically alter its juvenile justice system. Its Department of Juvenile Justice created a new curriculum for all Juvenile Correctional Center staff to ensure that employees became educated on the concepts of positive youth justice. A new basic skills program was created for residential facility staff and caseworkers, and the latter group received additional specialized training. Further, the correctional center developed a Basic Skills Academy for both direct and non-security support staff. Virginia also invested in several programs intended to build juvenile justice leadership capacity. For example, the Frontline Leaders and Emerging Leaders program offered training on mediation and conflict coaching. The Justice Transformation Institute for supervisor management staff developed a four-month program that included training on leadership, cultural competency, and data-driven decision-making.¹³⁷

Case Management

Case management plays a critical role in any juvenile justice system. Case managers serve, in many ways, as a liaison between the system and the youth, his or her family, and the broader community. Case managers are expected to interact with the justice-involved youth, utilize assessments to evaluate risks and needs, develop a plan for supports and services, and contribute to decisions pertaining to placement.

¹³⁵ Milwaukee County Department of Health and Human Services, "Youth Justice Reform: Skilled and Credible Workforce," <https://county.milwaukee.gov/EN/DHHS/DYFS/Youth-Justice-Reform> and Robert F. Kennedy Children's Action Corps, Milwaukee County, WI Probation System Review.

¹³⁶ Weissman, Ananthakrishnan, and Schiraldi, Moving Beyond Youth Prisons.

¹³⁷ Virginia Department of Juvenile Justice, Transformation Plan 2020 Update.

To ensure that case management focuses on positive youth justice and reduced reliance on incarceration, jurisdictions must adopt policies and procedures that promote dispositions involving community-based options. In addition, case managers need access to and deep understanding of validated risk and needs assessment tools to make appropriate placement decisions, design plans that provide the right combination of supports and services, and properly serve youth. To effectively conduct their work, case managers need substantial training on the philosophical underpinnings of the reformed system and the proper use of assessment tools.

In Virginia's newly reformed juvenile justice system, administrators positioned case managers as the link between justice-involved youth, the administrative system, and the community. In practice, case management begins with a careful assessment of youth over an approximately three-week period. The assessment is used by case managers to identify an array of factors that feed into each youth's rehabilitation plan: treatment needs, security requirements, length of stay, services and supports, and placement. Case managers also work with members of the community to craft transition and parole plans for those youth placed in secure facilities.¹³⁸

Since the adoption of reform in Washington, DC, case management has been handled by employees with a minimum of a bachelor's degree; now, most have a master's degree.¹³⁹ Each youth is assigned a case manager who consults with the youth, family, teachers, and others to develop a "Success Plan" based on the collective input and assessments. The case manager also reviews court records, mental health and substance abuse assessments, and other relevant reports to determine the supervision, supports, and services necessary to promote positive youth development and decrease the likelihood of re-offending.¹⁴⁰

Key Takeaways

The successful implementation of reform requires improvements in both hiring practices and training regimens within juvenile justice systems.

Reforms should include careful evaluation and revision of case management practices.

Changes within hiring, training, and case management should all reflect the principles of positive youth justice and the use of data-driven decision making processes.

¹³⁸ Virginia Department of Juvenile Justice, Profiles of Committed Youth.

¹³⁹ Patti Cleaver (Program Manager, Care Coordination/Achievement Centers, District of Columbia Department of Youth Rehabilitation Services), email message to author, September 13, 2021.

¹⁴⁰ District of Columbia Department of Youth Rehabilitation Services, Agency Progress Report 2014; District of Columbia Department of Youth Rehabilitation Services, FY 2019 DYRS Annual Report, https://dyrs.dc.gov/sites/default/files/dc/sites/dyrs/page_content/attachments/AnnualReportFY2019Web_0.pdf; and District of Columbia Department of Youth Rehabilitation Services, "For Families: What to Expect," <https://dyrs.dc.gov/page/what-expect>.

LESSON 7: CREATE A CONTINUUM OF CARE

Creating a continuum of care for justice-involved youth is critical to any effort to reshape a juvenile justice system and shift its focus from incarceration to community-based services, supports and opportunities. In the words of Mark Mertens, Administrator of Milwaukee County's Division of Youth and Family Services, "With effective services and intensive community supports, even youth who commit violent crimes can be safely supported and treated back in the community."¹⁴¹

An effective continuum of care provides the services, supports, and treatment necessary to help individual youth more successfully navigate adolescence and desist from further delinquent activity. It includes all of the programming, services, treatment providers, and supervision specifically designed for justice-involved youth and their families. Continua of care should be designed to focus on the strengths and needs of individual youth and families and should allow for change over time as the individual progresses through different stages of development.¹⁴²

Effective continua of care depend on many of the principles of youth justice discussed earlier in this report. They should build up youth and their families, integrate them into the community, and draw and build on the strengths and resources of the communities they serve. More specifically, continua of care should:¹⁴³

- Promote positive youth justice and positive youth development;

- Define public safety as more than just law enforcement;

- Shift from a slot-based to a needs-based system, in which provision of services is not predicated on what is available, but rather on what individual youth need;

- Be culturally sensitive and neighborhood-based;

- Be family-centered, addressing the needs of the family, as well as those of the youth;

- Utilize the input of youth and their families in the program; and

- Identify existing community resources and strengths.

¹⁴¹ Merten, email.

¹⁴² The National Collaboration for Youth, *Beyond Bars: Keeping Young People Safe at Home and Out of Youth Prisons* (Washington, DC: National Human Services Assembly, January 8, 2017), <https://assets.aecf.org/m/resourcedoc/NCFY-BeyondBars-2017.pdf> and Schiraldi, Western, and Bradner, *New Thinking in Community Corrections*.

¹⁴³ The National Collaboration for Youth, *Beyond Bars*.

Key Components

While specific services vary by jurisdiction, all continua of care should include certain core components. These include educational, health, behavioral, relational, and work- and career-related services. The key components that all continua of care should offer include:¹⁴⁴

Support for families with complex needs, such as counseling, crisis intervention, health services, and mutual-help groups;

Health services, including physical, mental, and behavioral health, as well as trauma diagnosis and treatment and substance abuse treatment;

Economic opportunity development and training, including workforce training, career planning, and job placement;

Education, including direct educational placement, credit recovery, remediation, tutoring, and gifted learning opportunities;

Safe spaces and opportunities for recreation;

Gang intervention programs;

Crisis intervention techniques;

Mentoring; and

Alternative programs for youth for whom traditional programs do not suffice.

Continua of Care in Placements

Continua of care are sometimes viewed as related solely to those services and supports provided to youth in community-based alternatives to incarceration. But most jurisdictions continue to rely to some degree on secure facilities, often as a result of laws that require secure placement for certain offenses and/or for a fixed length of time; thus, the continuum of care designed by juvenile justice agencies must include and be embedded in residential placements.

Several jurisdictions have addressed the need to expand the use of continua of care to include residential facilities by utilizing the concepts positive youth justice within their more secure settings. Through the implementation of a wide range of programs, policies, and even alterations to the physical environment of these institutions, they have radically reformed the nature of their secure residential facilities. Equally important, they have also used this principle to create a range of placement options that then become a part of the youth's transition through and away from confinement.

144 The National Collaboration for Youth, Beyond Bars.

New York City is a case in point. With its Close to Home Initiative, New York developed a range of placements, all of which utilized positive youth justice philosophy in the process of rehabilitating justice-involved youth. Through that action, New York ensured that even those youth confined in high-security placements were in facilities in or near the city, rather than in youth prisons far from their homes. Moreover, even these higher-security facilities strive to focus on education, treatment, and rehabilitation, and work to heavily engage the family in the process. The system fashioned by Close to Home also created additional placement levels of varying security requirements. "Limited Secure Placements," for example, involve facilities that have the look and feel of group homes, allow residents to attend school and work outside the facility, and yet have some security features. "Non-secure Placements," which still involve holding youth outside of their family homes, are small and homelike in nature and include no structural security elements.¹⁴⁵

Washington, DC and Virginia have also fundamentally redesigned their most secure facilities while creating alternative non-home residential placement sites. In Washington, DC, the New Beginnings site is designed to feel like a non-prisonlike environment. Washington, DC also uses a variety of residential placements of varying levels of security within the community, including residential homes and foster homes.¹⁴⁶

In Virginia, some justice-involved youth continue to be sent to the one remaining secure facility, Bon Air Juvenile Correctional Center, but the center has adopted a rehabilitative focus that includes many of the services and supports provided in the state's community-based alternatives. On a secondary tier of placement, Virginia's detention reentry program places youth in local detention centers intended to speed up the reintegration of youth into their communities. And Virginia's alternatives continue to expand: as of Fiscal Year 2020, they included 10 community placement program sites, nine detention reentry programs, 11 residential treatment centers, and 17 group homes, for a total of 47 non-correctional center treatment placement options for youth.¹⁴⁷

The Milwaukee County Accountability Program (MCAP) is a dispositional alternative where youth are placed for one year. The program involves placement in a secure facility for up to 180 days followed by a period of after care in the community under probation supervision, with community-based service.¹⁴⁸ The Bakari Center is a residential non-secure treatment facility in a

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¹⁴⁵ Weissman, Ananthakrishnan, and Schiraldi, Moving Beyond Youth Prisons.

¹⁴⁶ District of Columbia Department of Youth Rehabilitation Services, Agency Progress Report 2014 and District of Columbia Department of Youth Rehabilitation Services, FY 2019 Annual Report.

¹⁴⁷ Virginia Department of Juvenile Justice, Transformation Plan 2017 Update; Virginia Department of Juvenile Justice, Transformation Plan 2018 Update; and Virginia Department of Juvenile Justice, Transformation Plan 2020 Update.

¹⁴⁸ Milwaukee County Department of Health and Human Services, Division of Youth and Family Services, Targeted Monitoring Program – Milwaukee County Accountability Program (MCAP) Policy, July 1, 2018, <https://county.wisconsin.gov/county/milwaukee-county-accountability-program>.

home-like setting. The program serves as a step down from MCAP for some youth.¹⁴⁹ Milwaukee is considering combining the programs to allow for youth to transition across secure and non-secure settings while maintaining continuity of treatment.¹⁵⁰

One of the most critical elements in any jurisdiction's effort to create and maintain an effective continuum of care for youth served in the community is coordination. Washington, DC and New York City offer promising models of a holistic approach that features centralized coordination.

In Washington, DC, continuum of care offerings are organized under the umbrella of DC YouthLink Services, which functions as a centralized manager and assembles a coalition of service providers to work with youth and their families. To coordinate services, YouthLink uses an entity called the Capacity Building and Administrative Partner, which selects and manages all providers. Providers and services are categorized within six domains: work, education, health, relationships, community, and creativity. YouthLink offers additional services that empower families, including parent/guardian orientation; case planning that includes the family's input on a youth's needs; family visits; and a family resource center that serves as a venue for meetings and provides additional resources and support.¹⁵¹ Within this structure, youth and their families have access to educational opportunities and support; physical and mental health services, including substance abuse treatment; employment training and career planning; and job placements.

In addition, two initiatives – the Credible Messenger Initiative and the Community Programming Initiative – ensure that the continuum of care provided by YouthLink focuses on helping youth reintegrate into their communities while drawing on and fortifying the resources, strengths, and safety of the communities involved. Credible Messengers fulfills its mission by pairing justice-involved youth with mentors who have shared experiences.¹⁵² The Community Programming Initiative works to ensure that YouthLink contracts with organizations from within the community. It also invests in these community-based partners to help them build capacity and further bolster local resources.¹⁵³

To further the development of healthy, stronger youth and communities, the continuum of care employed by YouthLink includes restorative justice practices and services to help youth reflect on their actions, build empathy and understanding of their place in the community, and, in so doing,

milwaukee.gov/files/county/DHHS/DYFS/Policies/001TMP_MCAPPolicy.pdf and Milwaukee County Department of Health and Human Services, Division of Youth and Family Services, 2018 Annual Report, https://county.milwaukee.gov/files/county/DHHS/DYFS/ProjectRise/2018_EOYREPORT_FINAL.pdf.

¹⁴⁹ Allison Dikanovic, "Bakari Center Aims to Keep Justice-involved Youth Near Home, Reduce Recidivism," Milwaukee Neighborhood News Service, December 30, 2018, <https://onmilwaukee.com/articles/nns-bakari-center>; and Wisconsin Community Services, "Specialized Services: Bakari Center," https://www.wiscs.org/programs/specialized_services/bakar.php.

¹⁵⁰ Mark Mertens (Administrator, Division of Youth and Family Services at Milwaukee County Department of Health and Human Services), email message to author, August 13, 2021.

¹⁵¹ District of Columbia Department of Youth Rehabilitation Services, "Community Reinvestment: Capacity Building and Administrative Partner," <https://dyrs.dc.gov/page/capacity-building-and-administrative-partner>; District of Columbia Department of Youth Rehabilitation Services, "Capacity Building and Administrative Partner for the DYRS Community Programming Initiative (Request for Applications FY 17)," [https://dyrs.dc.gov/sites/default/files/dc/sites/dyrs/page_content/attachments/RFA - Administrative Partner for DYRS FY 17 Programming Initiative.pdf](https://dyrs.dc.gov/sites/default/files/dc/sites/dyrs/page_content/attachments/RFA_-_Administrative_Partner_for_DYRS_FY_17_Programming_Initiative.pdf); and Butts, Bazemore, and Meroe, Positive Youth Justice.

¹⁵² District of Columbia Department of Youth Rehabilitation Services, "Credible Messenger Initiative," <https://dyrs.dc.gov/page/credible-messenger-initiative-0> and District of Columbia Department of Youth Rehabilitation Services, "Community Programming Initiative," <https://dyrs.dc.gov/page/community-programming-initiative>.

¹⁵³ District of Columbia Department of Youth Rehabilitation Services, "Community Programming Initiative."

develop leadership skills.¹⁵⁴ Washington, DC also provides continuum of care services through Achievement Centers that contract with organizations that provide training, education, and recreational opportunities. The Achievement Centers offer a broad selection of classes, including cooking, music production, art, and other more traditional educational courses.¹⁵⁵

Under its Close to Home Initiative, New York City has worked with community organizations to provide youth and their families services centered on education, employment, health, family engagement, and civic participation. Such services include education provided through a variety of institutions; physical and mental health services for youth and families; substance abuse treatment and counseling; trauma awareness and recovery programs; job training, career placement, and career planning; family engagement and support, including the provision of parent coaches and family team conferencing; and programs focused on developing relationships and aiding community reintegration. Many community providers also offer additional services such as creative writing workshops, global workforce and economic opportunity awareness, financial literacy, leadership development, and yoga.¹⁵⁶

New York City's continuum of care is organized into two programs that vary in duration and intensity. The first, Every Child Has an Opportunity to Excel and Succeed (ECHOES), stretches over a full year and involves the use of restorative justice practices, life coaching, and programming five days a week to help youth build educational, relational, and behavioral management skills. The second, dubbed the Advocate, Intervene, and Mentor (AIM) program, uses intensive mentoring, advocacy, and supervision to serve youth who are severely disconnected from their families and/or communities. AIM, which lasts six months, uses mentors who guide youth and families to services and resources and work with each assigned youth between seven and 30 hours weekly, depending on individual needs.¹⁵⁷

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Milwaukee's continuum of care is largely effectuated through the Wraparound Milwaukee program. Wraparound Milwaukee offers a "strength-based, individualized approach to working with children and youth and their families" as means of diverting youth from entering the juvenile justice system and better serving those already involved in the system.

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¹⁵⁴ District of Columbia Department of Youth Rehabilitation Services, "Restorative Justice," <https://dyrs.dc.gov/page/restorative-justice>.

¹⁵⁵ District of Columbia Department of Youth Rehabilitation Services, Agency Progress Report 2014 and District of Columbia Department of Youth Rehabilitation Services, FY 2019 DYRS Annual Report.

¹⁵⁶ Weissman, Ananthakrishnan, Schiraldi, Moving Beyond Youth Prisons and New York City Administration for Children's Services, "Juvenile Justice: Secure Detention," [https://justicelab.columbia.edu/sites/default/files/content/Justice%20Lab%20C2H%20Case%20Study%20FINAL%20\(Web%20Version\)%20\(1\).pdf](https://justicelab.columbia.edu/sites/default/files/content/Justice%20Lab%20C2H%20Case%20Study%20FINAL%20(Web%20Version)%20(1).pdf).

¹⁵⁷ Weissman, Ananthakrishnan, and Schiraldi, Moving Beyond Youth Prisons and Butts, Negredo, and Elkin, Staying Connected.

120 different providers offering more than 100 different types of services, the Wraparound Milwaukee network coordinates services including employment supports, wellness and medication management, personal skills development, peer support, therapy, family counseling and guidance, and housing and independent living support for those transitioning into adulthood. More recently, it has created built-in programs focused on developing youth and young adults as advocates and as mentors helping others learn self-advocacy.¹⁵⁸

In addition to the examples described above, Milwaukee, New York, Virginia, and Washington, DC's continua of care include other specific community-based elements worthy of mention. One example is the use of the Youth Advocate Program (YAP), which focuses on justice-involved youth with the most challenging backgrounds and highest risk factors. Adopting a "no reject, no eject policy," YAP offers 24/7 access to mentors, each of whom is assigned no more than four youth. YAP also incorporates the concept of Credible Messengers by employing mentors who were themselves previously involved in the justice system.¹⁵⁹

Two other important continua of care approaches are Multisystemic Therapy and Functional Family Therapy. In the former, youth and their families attend intensive counseling for a period of three to five months to learn how to cope with crises more effectively, thereby helping the youth develop more positive familial and community relationships.¹⁶⁰ The latter, which is shorter in duration at roughly 30 sessions, uses trained clinicians to address family dysfunction and help members develop stronger, more positive communication.¹⁶¹

Key Takeaways

Creating a continuum of care, which provides supports and services needed by youth, is necessary to the development of a juvenile justice system centered on positive youth justice.

Continua of care must be available to youth in both residential and community-based settings.

Continua of care should offer a wide array of services to both youth and their families.

The supports and services provided to youth and their families should be designed to fit the needs of individuals.

¹⁵⁸ Wraparound Milwaukee, 2016 Year End Report and Wraparound Milwaukee, Children's Community Mental Health Service and Wraparound Milwaukee System of Care, 2020 Year End Report, September 2020, <http://wraparoundmke.com/wp-content/uploads/2013/09/2020-Annual-Report-2.pdf>.

¹⁵⁹ Youth Advocate Programs, Inc, "Youth and Young Adult Justice," <https://www.yapinc.org/Our-Services/Youth-and-Young-Adult-Justice>.

¹⁶⁰ Youth.gov, "Multisystemic Therapy (MST)," <https://youth.gov/content/multisystemic-therapy-mst>.

¹⁶¹ National Institute of Justice, "Program Profile: Functional Family Therapy (FFT)," December 11, 2020, <https://crimesolutions.ojp.gov/ratedprograms/122>.

LESSON 8: GATHER DATA TO MEASURE PROGRESS AND ENSURE CONTINUOUS IMPROVEMENT

A final key aspect of implementing juvenile justice reform is the creation of a systemic approach to measuring its success and impacts. Regular assessment through data collection enables agencies to continually improve their performance over time and helps sustain broad public support for reform. Thus, a reform package must clearly define quantifiable goals and the means by which the achievement of those goals will be measured, along with an agreed-upon set of data to be tracked.

Each of the jurisdictions discussed in this report identified outcome measurement as a critical element of its reform effort, though the details varied. Milwaukee's approach was governed by a framework called SMART, for Specific, Measurable, Attainable, Realistic, and Timely goals. With these criteria in mind, Milwaukee focused on tracking numbers of out-of-home placements, decreases in secure facility placements, declines in recidivism levels, and program completion by youth. These goals were then measured through data provided by a variety of sources and collected by its Youth Program Management system. Additionally, Milwaukee used a measurement tool called the "Standard Program Evaluation Protocol" to evaluate the overall effectiveness of the programs used to serve justice-involved youth, and their impact on reducing recidivism rates. Finally, administrators included several other criteria in their outcome measurement effort, including rates of staff and provider turnover and case-planning usage and effectiveness.¹⁶²

New York City, Virginia, and Washington, DC also incorporated a system of outcome measurement. The key objectives identified by these jurisdictions were reduced numbers of secure placements and increased use of community-based alternatives; reduced recidivism; improved public safety; and positive youth development (educational success, job training, and placement, etc.). While each jurisdiction used different measurement approaches, all recognized the critical importance of setting quantifiable outcomes and regularly evaluating data to track progress toward those goals. It is also worth noting that these jurisdictions added new objectives and measurement systems as needed and published annual reports on their findings that were publicly available.¹⁶³

Outcome measurement data also helps jurisdictions identify areas in need of improvement, as well as those that may benefit from expansion or emphasis. Use of this data, as well as other

¹⁶² Milwaukee County Health and Human Services, "Youth Justice Reform: Performance Measurement and Outcomes Monitoring," <https://county.milwaukee.gov/EN/DHHS/DYFS/Youth-Justice-Reform-outcomesMonitoring>.

¹⁶³ Weissman, Ananthakrishnan, and Schiraldi, Moving Beyond Youth Prisons; Virginia Department of Juvenile Justice, Transformation Plan 2020 Update; Virginia Department of Juvenile Justice, Transformation Plan 2018 Update; District of Columbia Department of Youth Rehabilitation Services, FY 2019 DYRS Annual Report; and District of Columbia Department of Youth Rehabilitation Services, Agency Progress Report 2014.

system reviews and evaluations, helps jurisdictions continuously improve their juvenile justice systems, which in turn sustains and optimizes the impact of reform.

For each of the jurisdictions examined in this report, continuous improvement occurs through multiple mechanisms. Two key elements needed to promote continuous improvement have already been discussed elsewhere: the establishment of new hiring standards, along with updated training and professional development. Beyond that, some jurisdictions created quality assurance systems to cover employees within the juvenile justice system and those engaged in contracted work. Virginia, for example, established a Quality Assurance Unit that identifies the strengths and weaknesses of programs provided by outside contractors and issues recommendations for improvements.¹⁶⁴ A similar approach characterized the continuous improvement efforts in Milwaukee, New York, and Washington, DC. Additionally, Milwaukee took steps to ensure that increased community input helps determine contract awards, and that smaller organizations are more equitably represented among providers in the city's continuum of care.¹⁶⁵

The identification of weaknesses, or the limited success of certain initiatives in reform efforts can also help promote continuous improvement. In New York City, for example, data indicated that while youth were experiencing positive educational development in specialized schools created as part of the city's continuum of care, those youth often suffered setbacks when they returned to their neighborhood schools. This led officials to provide more intensive aftercare support to youth during that transition.¹⁶⁶

Finally, innovation and adaptation can drive improvement in reform. One example is Washington, DC's development of the Credible Messenger Initiative, which recruited and employed community members with justice system experience to serve as mentors for youth. This program, which vaulted the importance of cultural competency to the forefront of reform in the District, had an impact beyond the boundaries of Washington, as the concept was adopted in both Milwaukee and New York.

Key Takeaways

Reforms must include mechanisms to measure performance and progress.

It is crucial to measure the impact and/or success of reforms in terms that go beyond recidivism rates and placement statistics.

Performance measurement mechanisms must assess performance both within the juvenile justice system and among community-based providers.

Reform should include processes that allow for continuous improvement through assessment, professional development, and research-driven innovation.

¹⁶⁴ Virginia Department of Juvenile Justice, Transformation Plan 2020 Update.

¹⁶⁵ Milwaukee County Health and Human Services, "Youth Justice Reform: Continuous Quality Improvement" and "Community Engagement," <https://county.milwaukee.gov/EN/DHHS/DYFS/Youth-Justice-Reform>.

¹⁶⁶ Weissman, Ananthakrishnan, and Schiraldi, Moving Beyond Youth Prisons.

CONCLUSION

Over the past two decades, a growing number of jurisdictions around the nation have undertaken ambitious, comprehensive reform of their juvenile justice systems. These reforms have been centered on the principles of positive youth justice, and as such have sought to radically reduce reliance on incarceration and instead serve justice-involved youth in community-based settings through the provision of supports and services intended to help them develop into strong, productive adults who are resources for their communities. These reforms, which are bolstered by a growing body of research, have proven highly successful. To put it simply, they have worked.

As the number of jurisdictions engaged in this type of reform has increased, so too has our understanding of how to effectively implement radical, positive change in juvenile justice system. The broadening scope of juvenile justice reform has provided a richer, fuller set of data to examine regarding the effective implementation and impact of change and a broad array of innovations in all phases of reform process. Even the continuing obstacles to, or challenges within, reform efforts have provided invaluable lessons as to how to gain broader support for reform, how to overcome opposition to it, and how to reduce limitations to its impact.

In a similar vein, the progress of the past two decades has reinforced our understanding of why the push for juvenile justice reform must not only continue, but also be expanded. For instance, jurisdictions considering reform should raise the minimum age of criminal responsibility to 14 and ensure that youth younger than 18 are not prosecuted, sentenced, or incarcerated in the adult criminal justice system.

The growing research and consensus on the science of youth development and its imperatives for juvenile justice continues to offer compelling arguments on both the benefits of reform and the harmful and negative consequences of reliance on incarceration and punishment. Moreover, the results attained in those jurisdictions that have implemented change have broadly substantiated its positive effects on public safety.

Amid this progress, important challenges remain. Despite the positive impact of the reforms noted in this report, too many jurisdictions around the country have yet to implement change within their respective juvenile justice systems, and far too many youth remain incarcerated. Even those jurisdictions that have implemented highly successful reforms continue to struggle to reduce racial disparities within their systems, especially when it comes to secure placements, and are straddled with institutional and legal limitations that maintain ineffective policies concerning youth charged with "violent" offenses. Crucial constituency groups such as victims, youth and families, and organizations representing underserved communities continue to be underrepresented in discussions and decision-making processes pertaining to juvenile justice reform.

The persistence of these challenges highlights the continued need for aggressive efforts on behalf of juvenile justice reform. These challenges are not insurmountable. Indeed, the success illustrated in the four jurisdictions examined in this report offers compelling evidence and a

sound rationale for working that much harder to improve and broaden the juvenile justice reform movement. So too do the paired experiences of the past year: the COVID-19 pandemic and the nationwide protests surrounding racial inequality within our criminal justice systems. The former has had the dual impact of underscoring the need to greatly reduce our reliance on incarceration and forcing numerous jurisdictions to do so through both early releases and the use of alternative approaches. The latter has helped broaden awareness of the need for reform and created an expanded mandate in favor of it.

The reforms of the past twenty years, as well as the events of the last year, have worked to create a climate more conducive to spreading fundamental juvenile justice reform to more jurisdictions and deepening its impact. The successes of those jurisdictions that have committed to reform, and in so doing have offered a path forward, the growing consensus in favor of change, and the new presidential administration's pledge to financially support such changes have all worked to create an environment highly favorable to juvenile justice reform, based on the principles of positive youth justice. Advocates and progressive administrators must take advantage of this climate by working that much harder to broaden coalitions, press for change, and help orchestrate its implementation. It is time to strike while the iron is hot.

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