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Models for Change

Systems Reform in Juvenile Justice

MODELS FOR CHANGE BUILDING MOMENTUM FOR JUVENILE JUSTICE REFORM EXECUTIVE SUMMARY

The Models for Change initiative is an effort to create successful and replicable models of juvenile justice reform through targeted investments in key states, and is funded by the Chicago-based John D. and Catherine T. MacArthur Foundation. With long-term funding and support, Models for Change seeks to accelerate movement toward a more effective, fair, and developmentally sound juvenile justice system that holds young people accountable for their actions, provides for their rehabilitation, protects them from harm, increases their life chances, and manages the risk they pose to themselves and to the public. The initiative is currently involved in Illinois, Pennsylvania, Louisiana and Washington.

MODELS FOR CHANGE: BUILDING MOMENTUM FOR JUVENILE JUSTICE REFORM

Juvenile justice policy in the United States has quietly passed a milestone. After a decade shaped by myths of juvenile “superpredators” and the ascendancy of punitive reforms, momentum for systemic reform is growing. Significant new research on adolescent development and the demonstrated success of evidence-based practices have buoyed efforts to reestablish more rational and effective policies. A recent survey of policy changes identified the following trends:

- **Large-scale institutional reform.** Three states (Illinois, Louisiana and Mississippi) have instituted significant structural changes to their juvenile justice systems. Illinois and Louisiana developed new juvenile corrections departments, separating these functions from the adult corrections system, allowing age appropriate services and supervision to be delivered to youth in these systems.
- **Returning young people to juvenile court jurisdiction.** Three states (Illinois, Delaware and Washington) considered major overhauls of juvenile systems, including legislation to return youth from the adult courts to the juvenile justice system, or to provide discretion to judges when youth face adult prison terms. Illinois and Delaware set limits on the automatic transfer of juveniles to adult court while Washington eliminated mandatory minimum sentences for youth tried as adults.
- **Strengthening aftercare services to help young people return to their communities.** Four states (California, Indiana, Virginia and Pennsylvania) improved the aftercare system, finding ways to support young people’s re-integration into their communities after spending time in juvenile facilities. The Virginia Department of Education adopted new guidelines to help young people return to school upon release from incarceration. In Pennsylvania, more than a third of the counties, supported by state stakeholders, have committed to develop a “model” aftercare system by 2010.
- **Improving juvenile conditions of confinement.** Six states and jurisdictions (Arizona, the District of Columbia, Louisiana, Maryland, Montana and Ohio) took steps to improve the conditions of youth confinement in state secure care. The District of Columbia committed to downsizing its distant detention facility by 2009 and plans to bring most young people back to the city by developing smaller,

community-based facilities. Maryland passed legislation that would require the state to improve educational services for young people in residential facilities.

- **Providing mental health treatment to young people who need it.** Four states (South Dakota, Washington, Virginia and Idaho) passed legislation to improve mental health services to young people in the juvenile justice system, or divert young people from the juvenile justice system to community-based mental health treatment. In Washington, new legislation provides that any juvenile who comes before the court may be eligible for the Mental Health Dispositional Alternative, which provides for a suspended sentence and mental health treatment. In Idaho, recent legislation allows juvenile court judges to order a mental health assessment of a juvenile at any stage in the juvenile court proceedings.
- **Investing in services rather than state confinement.** Five states (Louisiana, Maryland, Mississippi, Illinois and Washington) have improved, or are working to improve, access to community-based services for youth. Illinois, Louisiana, Mississippi and Washington have changed the fiscal incentives to encourage community-based services, supervision and sanctions in their home communities as alternatives to secure confinement. Maryland expanded funding for community-based, nonresidential delinquency prevention and diversion programs.
- **Improving juvenile defense.** Six states (Illinois, Michigan, Mississippi, Montana, Virginia and Wisconsin) have either improved or promoted legislation to enhance the ability of juvenile defenders to represent young people in court. In Illinois, legislation stipulates that young people may not waive their right to counsel. In Montana, legislation was passed that provides for a statewide public defender system and requires the appointment of counsel for any youth charged with an offense.

Models for Change: Building Momentum for Juvenile Justice Reform tells the story of how innovative state leaders from across the country are creating a new path toward fair, rational, effective and developmentally appropriate models for juvenile justice reform. Pennsylvania, Illinois, Louisiana and Washington are already moving to reform and reshape their juvenile justice systems. These states have demonstrated strong leadership in juvenile justice policy, value collaboration and engagement and, because of their efforts, have changed the political climate to make deeper systems reform possible. *Models for Change*, a new initiative from the John D. and Catherine T. MacArthur Foundation, is seeking to build on their efforts in the hope that these states develop new model policies, practices and procedures that will strengthen their reform work, and possibly represent changes that could be replicated in other states.

MODELS FOR CHANGE: SYSTEMS REFORM IN JUVENILE JUSTICE

For more than a decade, the MacArthur Foundation has been investing in grantees involved in research, advocacy and policy development at both the state and national level. In 2004, the Foundation launched **Models for Change: Systems Reform in Juvenile Justice (MfC)** to put lessons from research, advocacy and policy development into practice in partnership with states already emerging as juvenile justice reform leaders. Through this initiative, the MacArthur Foundation is more than doubling its investment in juvenile justice and will be investing \$100 million over five years in juvenile justice reform. MfC targets the range of participants at both local and state levels.

KEYSTONES FOR REFORM: JUVENILE JUSTICE PROGRESS IN PENNSYLVANIA

In Pennsylvania, strong leadership and partnerships among Pennsylvania's stakeholders in addition to considerable consensus about the strengths and weaknesses of the state's juvenile justice system have created a positive political climate where good public policy can flourish. A bellwether state in juvenile justice, Pennsylvania has taken steps toward creating more effective juvenile justice policies. Pennsylvania's commitment to change allows MfC to concentrate its efforts assisting with systems reform at the local level.

Working toward successful models in aftercare. Although determining a specific figure is difficult, researchers estimate that the recidivism rate for untreated serious juvenile offenders is about 50 percent. In 2004, the Juvenile Court Judges' Commission reported that 14 percent of juvenile cases were not successfully closed. In early 2005, state partners and MfC developed a position statement on aftercare that was endorsed by five state agencies. This statement holds the goal of developing "a comprehensive aftercare system by the year 2010," and represents a statewide vision for an ideal system of aftercare. By fall of 2006, nearly a third of Pennsylvania probation departments publicly supported the "Joint Policy Statement on Aftercare," agreeing to try to implement the ideals of the statement in their jurisdictions by the year 2010. This statement is one of the most comprehensive—and strategic—descriptions of high-quality aftercare in the country. Stakeholders and MfC are working together in five counties to improve their aftercare services: **Allegheny, Cambria, Lycoming, York Counties and Philadelphia.**

Improving and coordinating access to mental health services for youth in Pennsylvania's juvenile justice system. A study of youth entering 18 juvenile detention centers in Pennsylvania found that roughly 20 percent of boys and 30

percent of girls needed to be referred for a follow-up mental health evaluation. MfC has been working with a group of state officials, including representatives from juvenile justice, mental health, substance abuse, education and child welfare agencies, to help address statewide and county barriers to providing mental health services to youth in the juvenile justice system. At the county level, MfC stakeholders are working in **Erie, Chester and Allegheny** counties to improve mental health services by implementing the Comprehensive Systems Change Initiative (CSCI)—a strategic-planning facilitation model that brings together decision makers from the juvenile justice and mental health systems and helps them devise their own ways to address the mental health needs of court-involved youth, with a particular focus on treating as many juveniles as possible outside the juvenile justice system and increasing court-involved juveniles' overall access to appropriate services.

Reducing disproportionate minority contact in Pennsylvania. In a model juvenile justice system, all alleged offenders would receive fair treatment at each point of contact with the system regardless of their race or ethnicity. In Pennsylvania, African American youth represent 15 percent of the state's youth population, but account for about half the youth in detention or committed to facilities. Hispanic youth are incarcerated in facilities 4 to 5 times the rate of white youth. In Pennsylvania, MfC is working with localities to encourage best practices in the analysis of DMC. These methods of analysis will assist counties in identifying where the problem of DMC occurs, making it possible to develop effective remedies. This DMC analysis tool is being pilot tested in **Berks and Allegheny** counties. Led by concerns about **Philadelphia's** data collection methods, MfC has developed a manual to guide juvenile justice personnel to collect race and ethnicity data accurately. The Juvenile Court Judges' Commission has approved the manual, which will be adopted by counties throughout the state and will serve as a national model.

ILLINOIS: REGAINING A POSITION OF JUVENILE JUSTICE LEADERSHIP

Illinois was chosen to be an MfC state because of its history of progress, renewed commitment to youth reform, strong juvenile justice leadership, potential for collaboration, active community and civic engagement, ongoing reform efforts and overall readiness for change.

Juvenile system jurisdiction

- **Reforming Illinois' automatic transfer laws.** Like other states, Illinois responded to fluctuations in juvenile crime by expanding the state's ability to send youth to the adult court. Illinois had distinguished itself by creating one of the most complicated adult transfer schemes in the nation for youth drug offenders—one that had a dramatically disparate impact on minority youth. In 2005, legislators

reviewed the research, analyzed the impact of the drug laws and subsequently changed the statutes. Illinois now leads the nation in rolling back laws that transfer youth to the adult court.

- **Illinois' new department of juvenile justice.** Until recently, Illinois was one of 12 states in the country that housed its juvenile corrections under its adult department of corrections. Young people were being treated much like adult prisoners. Stakeholders recently came together to create the new Illinois Juvenile Justice Department. Illinois' eight juvenile facilities and the Department of Corrections' School District are being moved into the new department, essentially separating the juvenile division from the adult Department of Corrections. The legislation creating the department calls for the development of comprehensive, age appropriate services for the young people in its care.
- **"Raising the age" of jurisdiction to 18.** Thirty-eight states and the federal government use 18 as the age at which youth are subject the jurisdiction of the adult criminal justice system. Currently in Illinois, the juvenile court loses jurisdiction over youth on their 17th birthday—something that is out of step with research showing the appropriate place for most young people is in the juvenile justice system. While it is not clear at this time whether a bill will be passed in the veto session and signed by the governor, as this publication went to press, the Illinois Senate and House had passed bills that would raise the age of jurisdiction of the juvenile court system to age 18.

Expanding community-based services—Redeploy Illinois. Illinois recently joined a number of states in reforming its fiscal architecture to promote a juvenile justice system with a stronger emphasis on community involvement, public safety and more efficient delivery of juvenile justice services. Under Redeploy Illinois, participating counties agree to cut the number of nonviolent juveniles they send to state facilities. In return, the state reimburses counties for funds spent locally. Approximately \$2 million was budgeted for this purpose in 2004. Redeploy funding was renewed in 2005 and the initiative received nearly \$1 million more dollars in state funding in 2006. While the full impact of Redeploy is not yet known, the *Redeploy Illinois Amended Legislative Report*, published in January 2006, projects a 33 percent decline in the number of youth sent to the Illinois Department of Corrections from the Redeploy sites in year one. The report found, "if the lower recidivism rates typically associated with community-based treatment are realized, the Redeploy Illinois program will have saved the state money, reduced the number of crime victims, and created safer communities."

Reducing disproportionate minority contact in Illinois. Like most states, Illinois struggles with overrepresentation of youth of color in the juvenile justice system. In

its 2005 Annual Report to the Governor and General Assembly, the Illinois Juvenile Justice Commission (IJJC) reports that African American youth represent 18 percent of the state's youth population, but 41 percent of the youth in detention, and 52 percent of the youth in locked state facilities. In 2003, Hispanic youth were committed to the Illinois Department of Corrections at a rate 45 percent greater than that of white youth. One state body has said, "Disproportionate Minority Contact (DMC) is one of the greatest challenges facing Illinois.... Reducing DMC in Illinois will require the collective and sustained resolve of lawmakers and public and private entities." MfC efforts to advance state recommendations include improving the state's data collection and analysis efforts, increasing awareness of DMC issues and encouraging action, and directing financial resources to communities to address DMC.

LOUISIANA: MOVING TOWARD A BETTER SYSTEM

In the 1990s, Louisiana had the highest juvenile incarceration rate in the nation, and was one of only 12 states that housed its juvenile division under the jurisdiction of its adult Department of Corrections. In November 2004, the newly elected Governor Kathleen Babineaux Blanco made juvenile justice reform one of her top initiatives. In 2005, Louisiana separated out its juvenile division (now called the Office of Youth Development) from the adult correction system. This year, a U.S. district judge dismissed the DOJ lawsuit. The new Office of Youth Development (OYD) is now working to implement a five-year strategic plan—something that will overhaul how it works. The major initiatives articulated in the OYD plan aspire to the kind of research-based, best-practice approaches seen in other MfC states. As a result of the state's reform efforts, the juvenile corrections system has downsized, and the state no longer leads the nation in incarceration of young people. MfC will work with the state to promote **alternatives to formal processing and incarceration**, expand **evidence-based community services**, and **reduce disproportionate minority contact**. Concrete work plans to reduce DMC, expand evidence-based community services and develop alternatives to formal processing and incarceration are still being developed. MfC work in Louisiana will begin in 2007.

WASHINGTON STATE: MODELING A NEW APPROACH TO JUVENILE JUSTICE REFORM

Washington already fits the profile of a model state for juvenile justice. It has a long history of using research to inform policy making on juvenile justice, and many best practices already are in place. Washington is one of the only states to enact statewide presumptive sentencing for young people, something that fosters consistency in juvenile dispositions. Together with the state's sentencing guidelines, the code limited the number of youth entering state correctional facilities. Washington State encourages local juvenile justice service planning and community supervision whenever possible, and has

made significant progress in integrating juvenile justice programs with child welfare and mental health services. One of the most unique aspects of the state's commitment to effective juvenile justice practices is the way in which juvenile services and programs are evaluated and promoted, and its commitment to evidenced-based practices. Washington has a good sense of what is working to reduce crime and recidivism for young people, and the state has focused more attention and larger investments in those programs. Because Washington is the last state to be incorporated into MfC, state and local agencies, nonprofits and foundation partners are still working to develop the targeted areas of improvement.

CONCLUSION: RETURNING TO THE "FIRST PRINCIPLES" OF THE JUVENILE JUSTICE SYSTEM?

In the four MfC states, and increasingly across the country, a combination of strong leadership, a willingness to collaborate and engage stakeholders and an improved political climate are creating opportunities for deeper juvenile justice reform to succeed. In some states, such as Illinois, there are indications that the juvenile justice system may be returning to its former values and policies. After a decade in which the core tenets of the juvenile justice system were challenged, the return to a sense of balance, proportionality, fairness and a drive to use effective policies speaks to the opportunity to ground juvenile justice policy making in some of the "first principles" in which it was conceived. The reforms MfC is seeking to develop are grounded in a developmentally appropriate understanding of young people, and are not only concerned with diverting young people from the dangers of the criminal justice system, but are also geared toward rehabilitating and connecting young people to child welfare, education, public health, employment and recreational services that will help them transition to adulthood. Future monographs from MfC will chronicle the initiative's progress in helping the juvenile system return to its founding principles and succeed in its historic mission.

ABOUT MODELS FOR CHANGE: BUILDING MOMENTUM FOR JUVENILE JUSTICE REFORM

This policy brief was authored by Jason Ziedenberg, executive director of the Justice Policy Institute, a Washington, D.C.-based think tank dedicated to ending society's reliance on incarceration and promoting effective and just solutions to social problems. JPI is a member of the National Resource Bank, the association of national organizations providing technical assistance to states through MfC.

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Systems Reform in Juvenile Justice

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