

A Blueprint for Juvenile Justice Reform

Youth Transition Funders Group

Second Edition

We invite you to join us in embracing a commitment to juvenile justice reform.

An overwhelming enthusiasm for this blueprint has led us to print a second edition less than a year after the first. Our nine tenets for improving outcomes for youth remain the same, but we have updated the resource section with our growing list of members and current contact information. We are gratified to have provided a useful framework for organizations to think about their work and hope you will see opportunities of your own.

An Invitation

Youth in the justice system are not so different from other youth that many foundations already serve. If your foundation supports youth development, education and after school programs, foster care, workforce development, or public health—sectors where foundations are promoting significant change—then you will recognize many of the same youth entangled in the juvenile justice system.

Juvenile justice systems, too, are changing. The most advanced jurisdictions are reducing institutionalization for the vast majority of youth. And for those youth who must be confined, they are preparing them to pursue meaningful educational and vocational opportunities when they return home.

The Juvenile Justice Work Group of the Youth Transition Funders Group is composed of regional and national grantmakers working across fields of justice, education, foster care, and mental health. Supporting policies and programs that treat youth like youth, we aim to help governments and nonprofits preserve public safety and improve young people's chances to become successful and productive adults.

A Problem

More than 100,000 teenagers are held in custody every day at costs ranging from \$100 to more than \$300 per day. Most of these youth are housed in large, congregate-care corrections facilities—detention centers for those awaiting court hearings and training schools for those who have been found delinquent.

Who is incarcerated?

Few of these confined teens are serious offenders. Most are charged with non-violent property or drug crimes.¹ One third are confined for status offenses (such as running away and truancy), public order violations and technical violations of probation rules (like missing curfew).² Approximately two-thirds are youth of color.³

Policies, not crimes, drive incarceration rates

Juvenile incarceration rates are driven by juvenile justice politics and policies, not by juvenile crime. During an era of punitive policymaking in the 1990s, while the nationwide juvenile arrest rate for major violent offenses decreased 33 percent, the number of juveniles confined in correctional institutions increased 48 percent.⁴ Considerable discretion built into juvenile justice often means that youth from resource-rich neighborhoods and families are dealt with informally, while disadvantaged youth—disproportionately youth of color—penetrate more deeply into the system.⁵

Zero tolerance

Zero tolerance policies are one factor driving up rates of juvenile incarceration. First enacted into law by state legislatures and eventually by Congress in 1994, zero

tolerance measures were aimed at dangerous students bringing guns to school. Over the past decade, however, disciplinary policies mandating severe punishments—suspensions, expulsions and referral to law enforcement—have been expanded in many districts to cover a broad canvas of student behaviors, including not only possession of weapons, drugs and alcohol, but also prescription and over-the-counter medications and common objects like nail clippers as well as making threats, truancy, tardiness, and vague, catch-all categories like “insubordination” and “disrespect.” Zero tolerance policies prematurely push struggling students out of schools and into the juvenile justice system, dramatically increasing its racial disparities.⁶ Some jurisdictions report that almost half of all their referrals to juvenile court originate from schools.

Incarceration: less effective, more expensive

No experience may be more predictive of future adult difficulty than having been confined in a secure juvenile facility.⁷ Confinement in a secure facility all but precludes healthy psychological and social development. Without enough freedom to exercise autonomy, the gradual process of maturation—learning self-direction, social perspective and responsibility—is effectively cut off.⁸ Moreover, many institutions are overcrowded, unsafe and unable to provide youth with the custody and care they require.⁹

Reforms, such as diversion and treatment, cost less than prison. They are also better at holding youth accountable and reducing recidivism. Justice reinvestment allows jurisdictions to finance reform by redirecting criminal justice dollars towards less expensive community-based interventions.

While states must continue to incarcerate youth who pose serious risks to public safety, detention and incarceration of young people must be an option of last resort.

For these are all
our children. We
will all profit by, or
pay for, whatever
they become.

James Baldwin

An Opportunity

Juvenile crime has decreased every year for more than a decade. New developments in brain science highlight stark contrasts between adolescents and adults. The juvenile death penalty has been held unconstitutional. Across the nation, reports have documented broken justice systems that further damage youth at great cost to taxpayers and public safety. Public opinion polls show a desire for reform and support for rehabilitation. Focused attention on racial disparities within the justice system is also creating powerful incentives for reform. The time is ripe to fundamentally change the juvenile justice landscape.

Throughout the country, jurisdictions are moving away from punitive policies and practices, aiming to reduce the number of incarcerated youth without jeopardizing public safety. And there are well-documented models from which to learn. The Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) has assisted many jurisdictions substantially reduce the number of youth held in secure detention. Missouri has created a model system of small home-like rehabilitation centers for confined youth that other states are looking to replicate. Tarrant County (Fort Worth, TX) has a model continuum of community-based alternatives to confinement.

In recent history, juvenile justice reform was viewed as un-winnable. Now, forward-thinking leaders working with foundation support are ensuring that opportunities for justice-involved youth are improved. The following three stories present a window into what is now being done.

Spurred by several horrific events—televised images of youth beaten by prison guards and a spate of youth suicides inside correctional facilities—policymakers and

advocates in California have seized an opportunity for reform. With support from the Governor, a statewide juvenile justice planning process has begun. Improvements in the delivery of mental health services are also underway. The director of the California Youth Authority, one of the world's largest and most debilitating youth prison systems, has thrice visited Missouri in an effort to begin moving the California system towards a more therapeutic environment. A number of foundations, including the Open Society Institute, The California Endowment, the Youth Justice Funding Collaborative, and the JEHT, Annie E. Casey, Surdna, Zellerbach Family and Walter S. Johnson foundations are supporting reform efforts.

Reform is underway in Connecticut as well, where The Tow Foundation has devoted a substantial portion of its grantmaking to juvenile justice reform. In addition to funding community-based organizations serving justice-involved youth, The Tow Foundation has partnered with the JEHT Foundation to support the Connecticut Juvenile Justice Alliance to educate politicians, criminal justice practitioners and the public about juvenile justice. Encouraged that the state's new Director of Juvenile Services is working to reduce the number of imprisoned youth and develop community alternatives, both foundations, along with the Annie E. Casey Foundation, have contributed small grants to document recent improvements in Connecticut's juvenile justice system.

With funding from the Open Society Institute, the Butler Family Fund, and the Annie E. Casey, JEHT, Ford, Public Welfare and other national and regional foundations, the Juvenile Justice Project of Louisiana has been working for more than seven years to reform juvenile justice in that state. With support of a new governor intent on reform, the notorious Tallulah youth prison, where hundreds of youth suffered broken bones and other more serious injuries each month, was closed in 2004. The number of youth

incarcerated statewide has dropped from 2,200 in 1997 to 650 in 2004. In an effort to address systemic problems that left young people without representation, Louisiana, for the first time ever, has begun to fund indigent defense services for youth. Recent legislation separated the juvenile and adult justice systems, and Louisiana is now moving toward the development of a Missouri-like therapeutic model for youth in need of confinement.

By partnering with key leadership in various states and counties, foundations are finding their investments rewarded with growing success.

These stories are just a fraction of what is now being done with foundation support.

A Blueprint

Nine Tenets for Improving Outcomes for Youth

The ideals set out in these nine tenets lay the groundwork for juvenile justice reform across the nation.

1. Reduce Institutionalization

Institutionalization is often linked to failure. While necessary for youth who pose serious public safety risks, the overwhelming majority of justice-involved youth can be safely supervised and treated in the community or in non-secure facilities. These youth do not belong in a state's most expensive and secure settings.

The best systems working towards reform have embraced community-based alternatives to institutionalization as a way to improve the life chances of juveniles in the justice system. Using tools such as risk assessment and sentencing guidelines, jurisdictions are able to distinguish between youth who pose risks to public safety and those who would be better served in less-restrictive settings.

The Annie E. Casey Foundation's 12-year-old Juvenile Detention Alternatives Initiative is an example of reform that works. By engaging a broad range of government officials to reduce reliance on juvenile detention, JDAI model sites in Cook County (Chicago, IL), Multnomah County (Portland, OR) and Santa Cruz County (CA) have decreased average daily populations in secure detention 31 to 66 percent, at the same time improving indicators of public safety.

2. Reduce Racial Disparity

Sadly, even in this 21st century, young people of color are significantly over-represented in the justice and foster care systems, as well as among struggling students, due to conscious and subconscious racial bias. In nearly every state, in every juvenile offense category—person, property, drug, and public order—youth of color receive harsher sentences¹⁰ and fewer services than white youth who have committed the same category of offenses.¹¹

Jurisdictions that have significantly reduced racial disparity in their juvenile justice systems analyze data by race and ethnicity to detect disparate treatment; use objective screening instruments to eliminate subjectivity from decision-making; coordinate with police to better control who comes in the door of the juvenile justice system; change hiring practices so that justice staff are more representative of youth in the system; hold staff accountable for placement decisions; develop culturally competent programming; and employ mechanisms to divert youth of color from secure confinement.¹²

In places as diverse as Baltimore (MD), Louisville (KY), San Francisco (CA), Santa Cruz (CA) and Portland (OR), with support from several foundations, including Annie E. Casey, Ford, JEHT and the Open Society Institute, the W. Haywood Burns Institute, a national nonprofit, is helping a broad range of stakeholders recognize and address symptoms of racial disparity. Together, judges, prosecutors, public defenders, police, probation, political leaders, service providers and community groups are providing and advocating for equal treatment and equal access for all youth.

3. Ensure Access to Quality Counsel

Across the country, youth too often face court hearings without the assistance of competent counsel—sometimes appointed as little as five minutes before the case is called. Like all Americans, youth need access to qualified, well-resourced defense counsel throughout the entire juvenile or criminal court process. Counsel is essential to reducing the chance of youth being unnecessarily detained, transferred to the adult system and/or incarcerated.¹³

Beneficial reforms include early assignment of counsel, along with policies that ensure that all youth are represented; specialized training for attorneys on topics such as adolescent development, mental health and special education; and cross-system representation when adolescents are involved in multiple systems (such as special education and child welfare).¹⁴

The National Juvenile Defender Center (NJDC) works to ensure that all jurisdictions honor their constitutional obligation to provide counsel to indigent youth. With support from the Open Society Institute, NJDC holds an annual Juvenile Defender Leadership Summit, bringing together juvenile defenders from all 50 states to engage in intensive legal, strategic and political skill-building. With assistance from the Annie E. Casey Foundation, NJDC published a training guide focused on legal strategies to reduce the unnecessary detention of children. Grants from the MacArthur Foundation allow NJDC to distribute a Juvenile Court Training Curriculum on adolescent development and sponsor training based on its content.

4. Create a Range of Community-Based Programs

Community-based programs can change the trajectories of young people. These programs range from probation to intensive supervision, home confinement, alternative education, family preservation, restitution, community service, and day and evening reporting centers with educational, recreational and counseling opportunities. They can stand alone or be housed in existing community-based organizations serving a broad range of youth.

Three evidence-based programs are scientifically proven to prevent crime, even among youth with the highest risk of re-offending. Functional Family Therapy, Multidimensional Treatment Foster Care and Multi-Systemic Therapy (MST) all focus on the family. None involve incarceration. All deliver results. Evaluations of MST for serious juvenile offenders demonstrate reductions of 25 to 70 percent in long-term rates of re-arrest, reductions of 47 to 64 percent in out-of-home placements, improvements in family functioning and decreased mental health problems, all at a lower cost than other juvenile justice services.¹⁵

Counties across the country—including Tarrant, Cook, Multnomah and Santa Cruz—are creating a range of community-based alternatives to confinement with a variety of programs and supervision levels. Many are successfully adopting evidenced-based programming for youth hardest to serve. The Florida-based Eckerd Family Foundation's grant to a large provider of youth services to incorporate Functional Family Therapy resulted in a redirection of \$100,000 from the Florida Department of Juvenile Justice, leveraging the foundation's investment.

5. Recognize and Serve Youth with Specialized Needs

The juvenile justice system is too often used as a dumping ground for youth whose primary problems include serious emotional disturbance, developmental disabilities, substance abuse or a combination of these challenges. These youth are in desperate need of alternatives because juvenile justice systems can be particularly harmful for youth with specialized needs.

While good mental health and substance abuse services are vital for incarcerated youth to facilitate their rehabilitation, it is critical that juvenile justice involvement is seen as appropriate only when a youth's delinquency—not his disabilities—is the primary reason for confinement.

Thus, in California, the Zellerbach Family Foundation and The California Endowment are jointly supporting efforts to improve evidence-based community mental health services for justice-involved youth. And the Robert Wood Johnson Foundation (RWJ) is helping policymakers assist teenagers caught in a cycle of drugs, alcohol and crime through a five-year, \$21 million initiative encompassing ten pilot sites across the nation. Multnomah County, for example, has developed a project with RWJ support to divert into treatment youth who would otherwise be sentenced on felony drug charges. If a youth successfully completes the program, the felony violation is erased.

6. Create Smaller Rehabilitative Institutions

Some youth do require close monitoring. For those youth who pose serious risks to public safety, a convincing case is being made for phasing out large, prison-like institutions and creating small, home-like secure facilities in their place. Evidence shows that treating youth as youth improves their chances for success in life.

These small rehabilitation centers give young people the care and interaction they need. Facilities are run by youth specialists and provide developmentally appropriate individual and group programming. Families engage in the rehabilitation process to ensure a youth's successful transition back into society.

Missouri has created such a model. No facility contains more than 40 youth. Staff are ethnically diverse and trained in youth development. The goal is to enable youth to reintegrate into their communities and become productive citizens. The Missouri model has proven extremely successful. Seventy percent of youth released in 1999 avoided recommitment to any correctional program three years later, as compared to a 45 to 75 percent re-arrest rate nationally. The Annie E. Casey Foundation funds Missouri to host delegations from jurisdictions interested in replicating the model. The Surdna Foundation recently supported a visit to Missouri by families of youth incarcerated in California Youth Authority facilities.

7. Improve Aftercare and Reentry

Nearly 100,000 youth are released from juvenile justice institutions each year. Key to their success is having community agencies and schools ready for them upon their return. Increasingly, funders and policymakers are recognizing the need to connect youth to programs and services that will reinforce their rehabilitation and help them become successful and productive adults.

The best reentry programs begin while a youth is still confined. They require coordination between multiple government agencies and nonprofit providers, not only to develop new services, but to help youth better access existing services. Upon release, teenagers must enroll immediately in school or have a job waiting.¹⁶ Workforce development—helping teens attain job skills and earn money—is often a key motivator for adolescents, increasing their commitment to and enthusiasm for learning. Youth with special needs must have quick access to mental health and substance abuse services. And they must receive strong support from family and other caring adults.

In 2004, Pennsylvania was selected as the first site of The John D. and Catherine T. MacArthur Foundation's Model Systems Project, a multi-year, multi-million dollar effort to produce replicable, system-wide juvenile justice reform in selected sites. Pennsylvania's promising approach to aftercare, beginning when a youth is first sentenced and extending after he is released from confinement, demonstrates what a foundation can inspire.

8. Maximize Youth, Family and Community Participation

Another key aspect of juvenile justice reform is the participation of youth, parents and the community both in an adolescent's treatment and rehabilitation, as well as in systemic reform efforts. True reform tackles not just the system; it engages the people who youth encounter in their day-to-day lives.

Involved adults are necessary to keep young people active in their own rehabilitation. Using techniques such as family conferencing, jurisdictions are learning to work with parents—not against them—for the benefit of youth. Counties are soliciting consumer feedback from youth in their care, thereby improving the quality of their programs and also building competencies in young people. Community justice initiatives aim to engage a broad swath of community members in a youth's rehabilitation. And young people and their parents around the country are successfully organizing and advocating for reform.

Prompted by stark disparities between juvenile justice and education spending in California, youth organizers at the Youth Justice Coalition in Southern California, with support from the Surdna Foundation, are working with youth and staff inside locked facilities to improve the conditions under which young people are confined. And a youth-made documentary created by Youth Rights Media in Connecticut, funded jointly by The Tow Foundation and the Open Society Institute, prompted advocates to call for alternate uses of the costly new juvenile justice facility, designed for 240 youths but housing only 65.

9. Keep Youth Out of Adult Prisons

During the 1990s—the era when many of our most punitive criminal justice policies were developed—49 states altered their laws to increase the number of minors being tried as adults. Roughly 210,000 minors nationwide are now prosecuted in adult courts and sent to adult prisons each year.¹⁷ Yet studies show that youth held in adult facilities are eight times more likely to commit suicide,¹⁸ five times more likely to report being a victim of rape, twice as likely to report being beaten by staff and 50 percent more likely to be attacked with a weapon.¹⁹ Youth sent to adult court also return to crime at a higher rate.²⁰ Equally unacceptable is the fact that youth of color are over-represented in the ranks of juveniles being referred to adult court compared to white youth charged with the same category of offenses.

Responding to glaring injustices, some states are adopting reforms to keep youth out of adult prisons. The Juvenile Justice Initiative in Illinois, incubated by the MacArthur Foundation and now supported by the JEHT Foundation, worked to have a reverse waiver law passed in 2002 that allows for the cases of some waived youth to be returned to the juvenile court.

A Solution

Much is already being done. Funders working across fields of justice, education, foster care, mental health, racial justice and human rights are making strategic investments through small, moderate and large grants. Foundations are supporting research and policy reform, funding innovative programs, convening government and community-based stakeholders and supporting training for government and nonprofit leaders. But there is much more to do.

Through the YTFG, grantmakers in all fields affecting disconnected youth can align their efforts, share strategies and knowledge, coordinate investments, capitalize on each other's expertise, avoid duplication of effort and expand opportunities to build upon each other's work. Increasingly, we are finding occasions to fund together.

We hope to entice other foundations — particularly those already serving disadvantaged youth — to seize this opportunity to support juvenile justice reform. After all, these are all of our children; let us profit from what they become. Reach out to us and find out more.

**YOUTH TRANSITION
FUNDERS GROUP
JUVENILE JUSTICE
WORKING GROUP
MEMBERS**

The Annie E. Casey Foundation

Bart Lubow
701 St Paul Street
Baltimore, MD 21202
t 410.547.6600
blubow@aecf.org
www.aecf.org

Butler Family Fund

Martha Toll
1301 Connecticut Avenue NW
Suite 500
Washington, DC 20008
t 202.463.8288
www.butlerfamilyfund.org

The California Endowment

Gwen Foster
21650 Oxnard Street
Suite 1200
Woodland Hills, CA 91367
t 800.449.4149
gfoster@calendow.org
www.calendow.org

Chasdrew Fund

Alexandra Carter
PMB 540, 5257 River Road
Bethesda, MD 20816
t 301.656.9440
agcarter@chasdrew.org

Edna McConnell Clark Foundation

Bonnie Kornberg
415 Madison Avenue
Floor 10
New York, NY 10017
t 212.551.9100
bkornberg@emcf.org

Eckerd Family Foundation

Joseph Clark
PO Box 5165
Clearwater, FL 33758
t 727.446.2996
jclark@eckerd.org
www.eckerdfamilyfoundation.org

Ford Foundation

Lorin Harris
320 East 43rd Street
New York, NY 10017
t 212.573.5000
l.s.harris@fordfound.org
www.fordfound.org

The Edward W. Hazen Foundation

Melody Baker
90 Broad Street
Suite 604
New York, NY 10004
t 212.889.3034
melody@hazenfoundation.org

JEHT Foundation

Helena Huang
120 Wooster Street
New York, NY 11215
t 212.965.0400
hhuang@jehtfoundation.org
www.jehtfoundation.org

Walter S. Johnson Foundation

Denis Udall
525 Middlefield Road
Suite 160
Menlo Park, CA 94025
t 650.326.0485
denis@wsjf.org
www.wsjf.org

The John D. and Catherine T.

MacArthur Foundation
Laurie Garduque
140 South Dearborn Street
Chicago, IL 60603-5285
t 312.726.8000
lgarduqu@macfound.org
www.macfound.org

Open Society Institute

Jacqueline Baillargeon
400 West 59th Street
New York, NY 10019
t 212.548.0600
jbaillargeon@sorosny.org
www.soros.org

Open Society Institute-Baltimore

Aurie Hall
201 North Charles Street
Suite 1300
Baltimore, MD 21201
t 410.234.1092
ahall@sorosny.org
www.soros.org

Public Welfare Foundation

Charisse Williams
1200 U Street NW
Washington, DC 20009
t 202.965.1800
www.publicwelfare.org

Surdna Foundation

Jee Kim
330 Madison Avenue
Floor 30
New York, NY 10017
t 212.557.0010
jkim@surdna.org
www.surdna.org

The Tow Foundation

Diane Sierpina
43 Danbury Road
Wilton, CT 06897
t 203.761.6604
diane@towfoundation.org
www.towfoundation.org

Youth Justice Funding

Collaborative
Lindsay Shea
42 Broadway
Floor 18
New York, NY 10004
t 212.269.0304
www.youthjusticefund.org

Zellerbach Family Foundation

Ellen Walker
120 Montgomery Street
Suite 1550
San Francisco, CA 94104
t 415.421.2629
ewalker@zff.org
www.zff.org

RESOURCES

The following is a partial list of government, nonprofit and philanthropic resources to which YTFG members turn regularly for information, advice and assistance.

Government Agencies

Cook County, Illinois

Michael Rohan, Director
Probation and Court Services
Circuit Court of Cook County
Juvenile Probation Dept
1100 South Hamilton Avenue
Chicago, IL 60612
t 312.433.6575
mrohan@cookco.gov

***Missouri Department of
Youth Services***

Paul Bolerjack
221 West High Street
PO Box 1527
Jefferson City, MO 65102
t 573.751.3324
paul.a.bolerjack@dss.mo.gov

Multnomah County, Oregon

Dave Koch, Assistant Deputy
Director, Juvenile
1401 NE 68
Portland, OR 97213
t 503.988.4171
david.m.koch@co.multnomah.or.us

Santa Cruz County, California

Judy Cox, Chief Probation Officer
Santa Cruz County Probation Dept
PO Box 1812
Santa Cruz, CA
t 831.454.3833
prbooi@co.santa-cruz.ca.us

Tarrant County, Texas

Carey Cockerell
Juvenile Services
100 East Weatherford Street
Fort Worth, TX 76196
t 817.838.4600
www.tarrantcounty.com/ejuvenile/
cwp/view.asp

Non-Profit Organizations

Ella Baker Center, Books Not Bars Campaign

Van Jones
1230 Market Street
PMB 409
San Francisco, CA 94102
t 415.951.4844
www.ellabakercenter.org

W. Haywood Burns Institute for Juvenile Justice, Fairness and Equity Community Justice Network for Youth

James Bell
Ophelia Williams
180 Howard Street
Suite 320
San Francisco, CA 94105
t 415.321.4100
www.burnsinstitute.org
www.cjny.org

Casey Strategic Consulting Group

Kathleen Feely
701 St Paul Street
Baltimore, MD 21202
t 410.547.6600
www.aecf.org

Center for Children's Law and Policy

Mark Soler
1701 K Street NW
Suite 600
Washington, DC 20006
t 202.637.0377
msoler@ccclp.org

Center for Young Women's Development

Marlene Sanchez
1550 Bryant Street
Suite 700
San Francisco, CA 94103
t 415.703.8800
www.cywd.org

Center of Juvenile and Criminal Justice

Dan Macallair
1622 Folsom Street
San Francisco, CA 94103
t 415.621.5661
www.cjccj.org

Commonweal

David Steinhart
PO Box 316
Bolinas, CA 94924
t 415.868.0990
www.commonweal.org

CT Juvenile Justice Alliance

Hector Glynn
2470 Fairfield Avenue
Bridgeport, CT 06605
t 203.579.2727
www.ctjja.org

Fight Crime: Invest in Kids

Miriam Rollin
1212 New York Avenue NW
Suite 300
Washington, DC 20005
t 202.776.0027
www.fightcrime.org

Justice Policy Institute

Jason Ziedenberg
1003 K Street NW
Suite 500
Washington, DC 20001
t 202.363.7847
www.justicepolicy.org

Juvenile Justice Policy Initiative

Elizabeth Clark
413 West Monroe
Springfield, IL 62704
t 847.864.1567
www.jjustice.org

Juvenile Justice Project of Louisiana

David Utter
1600 Oretha Castle Haley Blvd
New Orleans, LA 70113
t 504.522.5437
www.jjpl.org

Juvenile Law Center

Robert Schwartz
1315 Walnut Street
Floor 4
Philadelphia, PA 19107
t 215.625.0551
www.jlc.org

Missouri Youth Services Institute

Mark Steward
1906 Hayselton Drive
Jefferson City, MO 85109
t 573.636.5037
mysi@earthlink.net

National Council on Crime and Delinquency

Barry Krisberg
1970 Broadway
Suite 500
Oakland, CA 94612
t 510.208.0500
www.nccd-crc.org

National Juvenile Defender Center

Patricia Puritz
1350 Connecticut Avenue NW
Suite 304
Washington, DC 20036
t 202.452.0010
www.njdc.org

National Juvenile Justice Network

Sarah Bryer
1710 Rhode Island Avenue NW
Floor 10
Washington, DC 20036
t 202.467.0864
www.njjn.org

Pacific News Service

Sandy Close
275 9th Street
San Francisco, CA 94103
t 415.503.4170
www.pacificnews.org

Reclaiming Futures

Laura Burney Nissen
Portland State University
Graduate School of Social Work
PO Box 751
Portland, OR 97207-0751
t 503.725.8912
www.reclaimingfutures.org

Vera Institute of Justice

Michael Jacobson
322 Broadway
Floor 12
New York, NY 10279
t 212.334.1300
www.vera.org

Youth Justice Coalition

Kim McGillicuddy
253 West Martin Luther King Blvd
Los Angeles, CA 90037
t 323.235.4243
www.freelanow.org

Youth Law Center

Carol Shauffer
Sue Burrell
417 Montgomery Street
Suite 900
San Francisco, CA 94104-1121
t 415.543.3379
www.ylc.org

Youth Rights Media

Laura McGargar
560 Ella T Grasso Blvd
Building 3
New Haven, CT 06510
t 203.776.4034
www.youthrightsmedia.org

Other Funders

East Bay Community Foundation

Michael Howe
200 Frank Ogawa Plaza
Oakland, CA 94612
t 510.836.3223
www.eastbaycf.org

Robert Wood Johnson Foundation

Kristin Schubert
College Road East and Route 1
Princeton, NJ 08543
t 609.627.7563
www.rwjf.org

Liberty Hill Foundation

Paula Litt
Lina Paredes
2121 Cloverfield Blvd
Suite 113
Santa Monica, CA 90404
t 310.453.3611
www.libertyhill.org

ENDNOTES

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- ³ KidsCount, Annie E. Casey Foundation, 2004
- ⁴ Juvenile justice professionals generally reject the notion that the incarcerative system can exert a major effect on reducing crime rates. Prevention and early intervention programs are far more cost-effective in reducing rates of youth crime. Krisberg, *Juvenile Justice, Redeeming Our Children*, 2005, p. 6.
- ⁵ Annie E. Casey Foundation Investment Strategy—2005 Budget Year, Juvenile Detention Alternatives Initiative
- ⁶ American Bar Association, Zero Tolerance Policy Report, 2001; Richart, et al., *Unintended Consequences: The Impact of "Zero Tolerance" and Other Exclusionary Policies on Kentucky Students (Building Blocks for Youth, 2003)*.
- ⁷ M. Wald, and T. Martinez, "Connected by 25: Improving the Life Chances of the Country's Most Vulnerable 14-24 Year Olds," 2003
- ⁸ L. Steinberg, H.L. Chung and M. Little, "Reentry of Adolescents from the Juvenile Justice System: A Developmental Perspective," Urban Institute Reentry Roundtable, 2003, p.14
- ⁹ KidsCount, Annie E. Casey Foundation, 2004. Unlawful conditions in juvenile facilities have been found by the U.S. Department of Justice in 13 states; preliminary inquiries are underway in five more and additional cases are on the horizon.
- ¹⁰ Poe-Yamagata, E and Jones, M., National Council on Crime and Delinquency, "And Justice for Some: Differential Treatment of Minority Youth in the Juvenile Justice System," Washington, D.C.: Building Blocks for Youth, April 2000.
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For more information, contact:

YTFG Juvenile Justice Work Group

Julie Peterson, Consultant

jpeterson@jehtfoundation.org

Youth Transition Funders Group

Lisa McGill, Director

lmcgill@ytfhg.org

Blueprint available at www.ytfhg.org

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Written by

Julie Peterson

Designed and Edited by

McRoberts Mitchell

Today in America, more than three million young adults, ages 14 to 24, are neither in school nor employed.

The Youth Transition Funders Group (YTFG) is composed of foundations dedicated to improving the lives of these disconnected youth who are transitioning out of foster care, entangled in the juvenile justice system, or at risk of dropping out of school. While YTFG is not a grantmaking organization, individual YTFG member foundations make grants to ensure that young people in transition are successfully connected by age 25 to services and support systems that will enable them to be successful and productive adults.