

# **Local and Statewide Collaborations Working To Reform The Juvenile Justice System**

Lael Chester – MA

Betsy Clarke – IL

Liz Kooy - IL

# Panelists

- Lael Chester, Director, Citizens for Juvenile Justice, Boston, Mass
  - [www.cfjj.org](http://www.cfjj.org)
- Elizabeth Clarke, President, Juvenile Justice Initiative, IL
- Elizabeth Kooy, Research & Policy Analyst, Juvenile Justice Initiative, IL
  - [www.jjustice.org](http://www.jjustice.org)

# Citizens for Juvenile Justice

- *Advocating for a fair and effective juvenile justice system in Massachusetts*
- Citizens for Juvenile Justice (CfJJ) is the only independent, non-profit, statewide organization working exclusively to improve the juvenile justice system in Massachusetts. We advocate, convene, conduct research, and educate the public on important juvenile justice issues. We believe that both children in the system and public safety are best served by a fair and effective system that recognizes the ways children are different than adults and focuses primarily on their rehabilitation.

# Citizens for Juvenile Justice

- ***Supported in large part by organizational members***
  - *Human Service Providers (both in JJ in Child Welfare Systems)*
  - *Academics*
  - *Attorneys (Prosecutors and Defense Attorneys)*
  - *Mental Health Clinicians*
  - *Parent Organizations*
  - *Etc.*
- ***Accepts no government funding (independent)***

# Citizens for Juvenile Justice

## ***FOCUS AREAS***

- ***Disproportionate Minority Contact (DMC)***
- ***Enhancement of Community-Based Services and Opportunities***

# Juvenile Justice Initiative

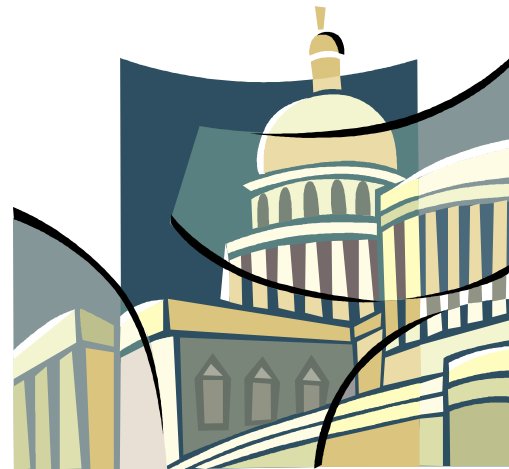
- *The Juvenile Justice Initiative is a statewide advocacy coalition to transform the juvenile justice system. The JJI advocates to reduce reliance on detention, to enhance fairness for all youth and to develop adequate community based resources throughout the state.*

# Juvenile Justice Initiative

- Coalition of statewide & local advocacy organizations, policy makers, individuals
- Independent statewide advocacy voice funded through grants & donations – no government funding
- Focus areas – jurisdiction (transfer & age of jurisdiction), reducing confinement, improving conditions of confinement, dmc

# National Network of Juvenile Justice State Advocacy Organizations - NJJN

- *The National Juvenile Justice Network enhances the capacity of state-based, juvenile justice coalitions to advocate for fair, equitable and developmentally appropriate adjudication and treatment for all children, youth and families involved in the juvenile justice system.*
- [www.njjn.org](http://www.njjn.org)
- Project housed within Coalition for Juvenile Justice  
[[www.juvjustice.org](http://www.juvjustice.org)]





# National Network of Juvenile Justice State Advocacy Organizations - NJJN

- 26 States/Localities and growing...
- Different Models
  - Voices
    - Neb
    - Md
  - Parent Advocacy Model
    - South Dakota
    - Louisiana
  - Youth Involvement
    - NY
    - CA
  - Law School Juvenile Center
    - VA
  - Independent Org
    - Mass
    - IL

# National Network of Juvenile Justice State Advocacy Organizations - NJJN

- No one JJ system; rather, 50 + different systems
- State/local advocacy is where the action takes place:
  - Laws passed
  - Regulations promulgates
  - Policies/practices developed and implemented
  - Funding

# MacArthur Foundation – Juvenile Justice - Models for Change

- [www.macfound.org](http://www.macfound.org)
- An initiative to help states become models of juvenile justice reform
- 4 states as pilots:
  - Illinois
  - Louisiana
  - Pennsylvania
  - Washington

# MacArthur National Resource Bank

- **National Grantees** include & have included: Youth Law Center, Building Blocks for Youth (emerging advocacy collaboration among several national groups), National Juvenile Defender Center, Child Welfare League of America, National Center for Mental Health, Council of Juvenile Correctional Administrators, Coalition for Juvenile Justice, Justice Policy Institute & National Network for Juvenile Justice (NJJN)

# MacArthur Foundation Research Network on Adolescent Development

- <http://www.mac-adoldev-juvjustice.org/>

- [Adolescents' Competence to Stand Trial](#)

\*\*\*\*

[Adolescent Decision-Making and Youthful Culpability](#)

\*\*\*\*

[Assessing Juvenile Psychopathy:  
Development and Legal Implications](#)

\*\*\*\*

[Biases in Judgments of Juvenile and  
Minority Suspects in Pre-Interrogation  
Interviews](#)

\*\*\*\*

[Impact of Juvenile vs. Adult Sanctions](#)

# More research.....

- Longitudinal Study of Serious Juvenile Offenders

\*\*\*\*

Legal Socialization of Children and Youth

\*\*\*\*

Parental Involvement in Judicial Proceedings

\*\*\*\*

Perceptions of Youth Culpability

# Research Findings

- Juveniles aged 15 and younger are significantly more likely than older adolescents and young adults to be impaired in ways that compromise their ability to serve as competent defendants in a criminal proceeding.
  - Approximately one-third of 11- to 13-year-olds, and approximately one-fifth of 14- to 15-year-olds, are as impaired in capacities relevant to adjudicative competence as are seriously mentally ill adults who would likely be considered incompetent to stand trial by clinicians who perform evaluations for courts.

# Brain Development Research

- Rapidly expanding field since MRI technology developed in 1991
- Brain scans dramatically demonstrate that adolescent brains are different from adult brains
- Research underpinning of US Sup Crt reasoning overturning juvenile death penalty in *Simmons*



# Brain Development in Adolescence – comments by Dr. Rebecca L. McNamee, PhD, Univ of Pittsburgh

- Maturation of frontal brain regions (Prefrontal Cortex)
- Responsible for higher order thought processes
- Last major area to mature/undergo synaptic pruning
- Improvements in complex thought, behavior and impulse control
- Continues until early '20's

# National Juvenile Defender Center

- National & Regional Defender Centers
- [www.njdc.info/](http://www.njdc.info/)
- Assess state juvenile defender system in every state
- Tech Assistance on systemic reform & individual case basis
- Training
- Advocacy – abolition of juv death penalty

# Juvenile Detention Alternatives Initiative (JDAI)

- Annie E. Casey Foundation
- [www.aecf.org/initiatives/jdai/](http://www.aecf.org/initiatives/jdai/)
- To demonstrate that jurisdictions can establish more effective and efficient systems to accomplish the purposes of juvenile detention, the Foundation established the Juvenile Detention Alternatives Initiative (JDAI) in 1992. The objectives of JDAI are to reduce the number of children unnecessarily or inappropriately detained; to minimize the number of youth who fail to appear in court or reoffend pending adjudication; to redirect public funds toward successful reform strategies; and to improve conditions of confinement.

# Set of Pathways to JDAI

- 13 publications for understanding & promoting detention alternatives
- Newest pathway – *Reducing Racial Disparities in Juvenile Detention*
- Initially pilots in 5 states – two dropped out & 3 succeeded (Multnomah Cnty, Cook Cnty, Sacramento)
- Currently, JDAI efforts underway in many states

# Goal - Model State JJ Systems Consistent with International CRC

- Convention on the Rights of the Child
  - Human Rights treaty adopted by UN General Assembly 1989
  - Most widely and rapidly ratified international human rights treaty, with ratification by 192 nations – only US & Somalia have not ratified
  - Sets forth basic norms & standards which nation signatories agree to pursue to ensure that children lead safe, healthy lives
- US Campaign for Ratification of CRC
  - [www.childrightscampaign.org](http://www.childrightscampaign.org)

# CRC

- Children's rights under CRC
  - name, nationality,
  - health care,
  - education,
  - freedom of religion/speech/association/assembly,
  - freedom from abuse/neglect/exploitation,
  - privacy and access to information

# Ratification of CRC

- **Q: Why should the United States ratify the Convention on the Rights of the Child?**

A: The United States has some of the best programs and laws in the world to protect its children. However, many U.S. children still face considerable adversity. Our children suffer from some of the highest rates of poverty, hunger and infant mortality in the industrialized world. Three American children die every day due to abuse and neglect, and nearly three quarters of all the murders of children in industrialized countries occur in the United States. More can be done in order to safeguard our most physically, psychologically, politically, and socially vulnerable citizens.

# CRC

- The Convention on the Rights of the Child has been used by governments and organizations around the world to improve the situation of children. In some countries, the treaty has facilitated direct changes in laws, policies and programs. In others, it has gone further and helped change the way governments and citizens view and prioritize children. Notably, the treaty itself does not directly create these changes, but the people and governments in each individual nation in a manner and timeframe determined by each sovereign government.
- In the United States, the Convention would establish a useful framework and set clear goals by which officials at all levels of government, private organizations, and individuals can form domestic policies and programs addressing the specific needs of families and children in the United States. The reporting requirements of the treaty would compel our nation to reevaluate the situation of children and develop action plans to make crucial improvements. Consequently, ratification of the Convention in concert with appropriate legislative measures would promote a more supportive social and legislative environment for families and would assist in making children more of a national priority.



# CRC – Jurisdiction Age of 18

- Article 1, CRC: *A child means every human being under the age of 18.....*
  - Trying youth under 18 in juvenile court
    - *Raise the Age campaigns in Conn, IL, Wisc*
    - *Transfer laws (trying youth as adults) revised in Del & IL*

# CRC: Reduce Reliance on Confinement & Eliminate Harsh Penalties

- Article 37 of CRC:
  - No child subjected to cruel, inhuman treatment – prohibits death penalty & Life Without Parole
  - No child deprived of liberty arbitrarily – any confinement used only as a measure of last resort and for the shortest appropriate period of time
  - Every child confined shall be treated with humanity & respect....taking into account needs of youth.....separated from adults & able to maintain contact with family
  - Every child confined shall have prompt access to legal counsel & right to challenge legality of imprisonment

# In US – Elimination of Death Penalty & Life Without Parole to comply with CRC

- Roper vs. Simmons - US Sup Crt overturned juvenile death penalty
- LWOP
  - Amnesty International Report on juveniles serving life without parole in US
  - States examining issue – Michigan, Illinois
  - Colorado just passed legislation to prohibit life without parole for juveniles, setting review hearing at 40 years

# CRC: Confinement used only as a measure of last resort & for shortest appropriate period of time

- Juvenile Detention Alternatives Initiative:  
Annie E Casey Foundation
- Fiscal Incentive Programs:
  - Reclaim Ohio
  - Redeploy Illinois

[Justice Policy Institute report]

Building a continuum of community based resources to serve as alternatives to confinement

# CRC: Treated with Humanity & Respect

- Improving Conditions of Confinement
  - New Facility Self Assessment Tool
  - Missouri Treatment Model -
    - small regional facilities,
    - with range of alternatives from secured beds to residential to day reporting,
    - With intensive case management,
    - With follow-up and aftercare as youth transition back to community and family

# Successes of the NJJN

- CONNECTICUT– Increased Protections for Status Offenders and for Low-Level Teen Offenders in Criminal Court
- DELAWARE– Limits on Automatic Transfer
- LOUISIANA, MARYLAND, & DC – Improving conditions of confinement by shift from security to treatment focus
- COLORADO – Eliminates Life Without Parole

## More success....

- MISSISSIPPI – Improved Conditions of Confinement, Treatment of Status Offenders, Community-Based Alternatives, and Indigent Defense
- VIRGINIA – Improved Reentry for Youth Exiting Detention & improvements in Juvenile Defense

# States Funding Juvenile Justice Prevention/Intervention/Alternatives to Confinement

- Mississippi - \$5 million for juvenile services
- Maryland - \$5 million for community programming
- Wisc/Oh/Penn/IL – fiscal incentive \$ to reduce confinement
- Mass - DMC
- Penn/Cal/IL – Title IV-E

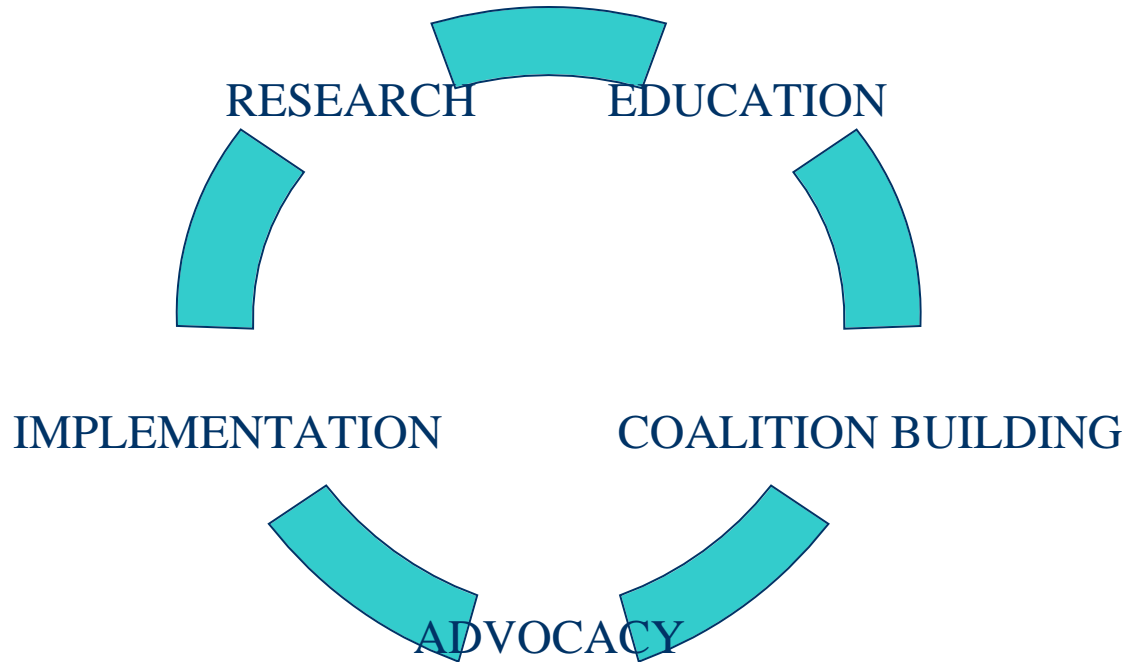




# Successes in Illinois

- Success
  - Transfer to Adult Court
  - Fiscal Incentives – Redeploy Illinois
  - New Department of Juvenile Justice
- Current Work
  - Raising the Age to 18
  - DMC

# Cycle of Change



# Research

- Four areas to discuss briefly
  - Transfer to Adult Court
  - Fiscal Incentive Strategies – Redeploy Illinois
  - Raising the Age of Jurisdiction to 18
  - New Department of Juvenile Justice

# Transfer

- In Illinois, most adult court transfers are automatic with no discretion from a juvenile court judge.
- Began a research project in the Public Defender's Office that showed exactly who the transfers were – PD has lots of data.
- After research, began an education and advocacy campaign to make changes in the law.

# Transfer Research Findings

- 99% were minorities
- 66% were drug crimes – Illinois is only one of 6 states that automatically transfers drug crimes – this is over 200 kids a year
- 66% had no prior services in juvenile court – regardless of seriousness of case
- 15% had abuse and neglect referrals – 8% of those charged with violent crimes and 18% of those charged with drug crimes

# Transfer Research Cont.

- Did thorough analysis and background check of all youth – we tried to cover all possible arguments on the other side
- Did project again for several years to show how the transfers remained the same over time.
- Built a coalition, educated the public and stakeholders, did advocacy campaign around issue, implementation and research again

# Research on Fiscal Incentives

- In Illinois, counties were sending youth to the department of corrections because there were fiscal incentives to do so – the state would pay instead of the county
- Worked on campaign to change this fiscal incentive – beginning with research
- Used data from the Department of Corrections to show the number of youth from each county
- Built in research component to the legislation for monitoring the implementation

# Research on 18 Year Old

- Illinois is one of 12 states that does not use 18 as age of adult court jurisdiction
- No one opposes raising the age on principle – but significant opposition on cost of change
- Bad data used to estimate cost of change – Cook County came in with “hundreds of millions of dollars” based on inflated numbers



# 18 Year Old Research Cont.

- 1<sup>st</sup> Year – used National Data to counter their arguments about how numbers are impossible
- 2<sup>nd</sup> Year – used numbers from the Public Defender and the Jail to counter their arguments – currently doing research project to counter their numbers

# New Department Research

- In Illinois, Juvenile Department of Corrections was a division of the Adult Department of Corrections
- Worked on a campaign to make a new agency – the Department of Juvenile Justice with an emphasis on rehabilitation and the “Missouri Model”

# New Department Cont.

- Research consisted of viewing Missouri Model and comparing it to Illinois Model
- Trips to Missouri Department of Corrections
- Trips to Illinois Department of Corrections
- Stark Contrast – Legislators and Governor's Office representatives saw first hand the differences

# Buildings

Missouri



Illinois



# Environment

Missouri



Illinois





# Sleeping Areas

Missouri



Illinois



# Living Space

Missouri



Illinois



# Educational Buildings

Missouri



Illinois





# Educational Buildings

Missouri



Illinois



# Recreation/Programming

Missouri



Illinois





# Community Relations

Missouri



Illinois



# Education

- Transfer
  - Talks regarding the data around state to stakeholders, public and policy makers
  - Press, national and state reports, video, etc.
- Redeploy Illinois
  - Educating the stakeholders and public in specific areas of state

# Education Continued

- 18 Year Old Issue
  - Education of Cook County Board
  - Education of Stakeholders
  - Education of Public
- New Department
  - Education of Stakeholders around the state
  - Large coalition working on transition team

# Coalition Building

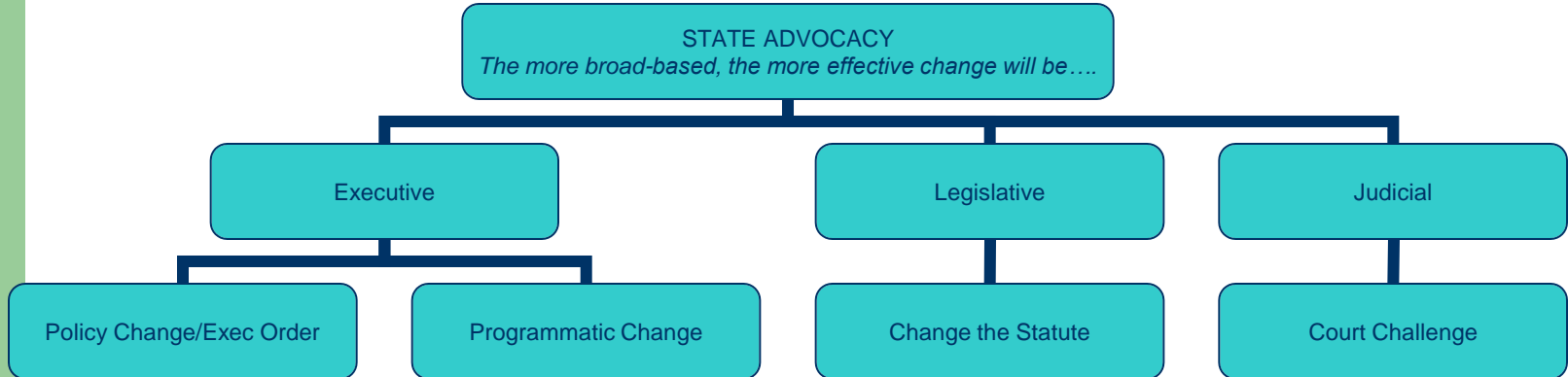
- System Partners

- Judges
- Probation
- Detention/Corrections
- Law Enforcement
- Providers
- Other state agencies dealing with youth – education & child welfare
- County Gov

- Advocates

- Law Schools
- Bar Associations
- PTA
- League of Women Voters
- ACLU
- Cmnty Advocates
- Religious Orgs
- Taxpayer Orgs
- Victims' Orgs
- Medical Community

# State Level Advocacy

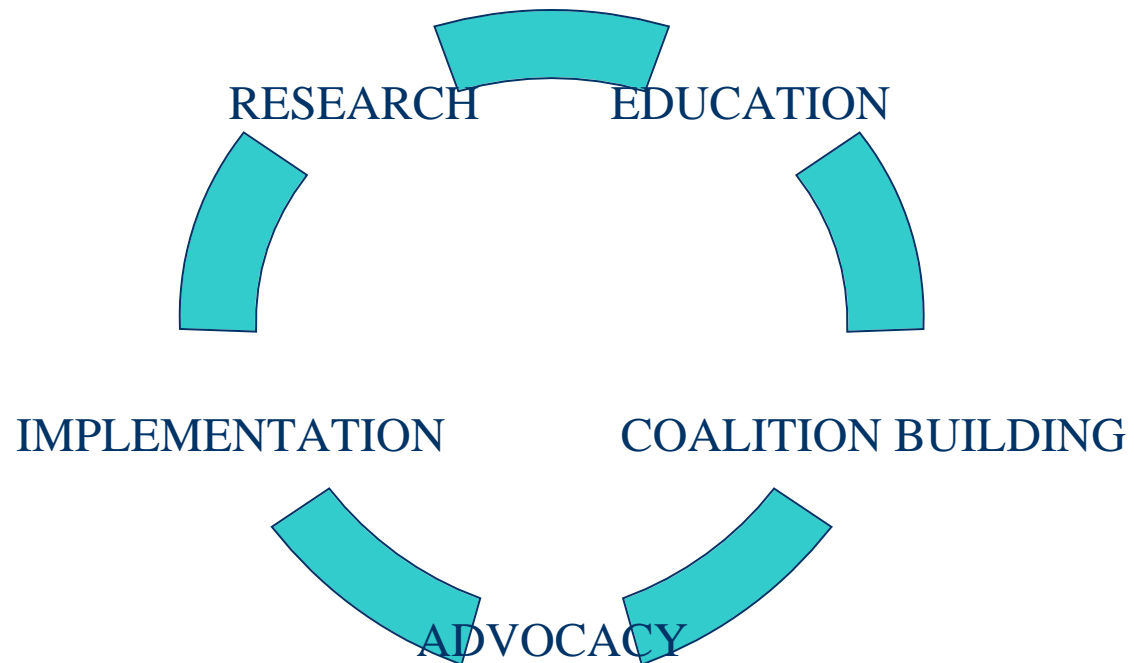


# Implementation

- Transfer – training & research on impact
- Fiscal Incentives – tech assistance to pilot sites & research on effectiveness
- Corrections reform – planning, training, tech assistance & research on effectiveness



# Cycle of Change



# Research Again

- Did research the implementation of the Reverse Waiver statute and currently researching the implementation of the new Transfer Law
- Built in research component into Transfer Legislation
- Built in research component on Redeploy Illinois
- Built in research component in New Department

# Massachusetts Victory

- Defeated numerous attempts to *transfer* the Department of Youth Services (DYS) from the Exec. Office of Human Services to the Exec. Office of Public Safety
  - Maintain rehabilitative model
  - Coordinate services between DYS and Department of Social Services (child welfare) and Department of Mental Health

# Massachusetts Advocacy Strategy

- Educate/Advocate
  - Legislature
  - Executive Branch
  - Judicial Branch
  - Community Allies
  - Media

# Massachusetts Victory

- Identify and Address problem of DMC
  - New data collection efforts by JJ system
  - \$ devoted to an Assessment Study
  - Funding provided for first Alternative to Detention Program (DDAP)
  - Bill pending that would require all agencies/departments to collect data in a uniform manner and share it with the public

# Massachusetts Advocacy Strategy

- Data Collection (including identifying data not currently available)
- Report by the National ACLU
- New and Improved “State Advisory Group”
- Education of key stakeholders
- Collaboration with allies/community service providers
- Media work

# Lessons Learned

---

- Data, data, data!
- The power of partnerships

## ***Children are Different.....***

"But, in the end, I had to remind myself that I was dealing with children."

Alex Kotlowitz, End Note, *There are No Children Here*.



# Questions



Thank you

