Redesigning Justice: Our Youth Action Agenda

October 2022
Project Background

The current youth legal systems* in this country are not designed to humanely serve our nation’s young people. Rather, we can track the development of these systems to government control of populations largely seen as “other.” This has led to racial inequities at every decision point in our youth legal systems. In this way, the legal systems are far from just.

As we seek to reconcile with this reality and reimagine a future where Black, Brown, Indigenous, and LGBTQIA+ youth are given the freedom to thrive, we must create space for impacted youth to dream bigger and bolder, and become the architects of justice.

For 2022’s Youth Justice Action Month, the National Juvenile Justice Network (NJJN) gathered 14 young leaders from across the nation to redesign what justice is and can be. This report aims to capture their blueprint for justice. Now it is up to all of us to pull up our sleeves and work to make this design our reality. Join us in taking action and doing the work.

About Young Leaders

NJJN’s young justice leaders are fourteen leaders from across the country, aged 17–29, who have direct understanding of our nation’s youth legal systems. This report is a direct reflection of their conversations, ideas and dreams.

Thank you:
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- Adonijah Metcalf
- Devere Morris
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*We refer to the “youth legal system” as the collection of punitive responses to youth in conflict with the law, including arrest, prosecution, adjudication, detention and probation. We distinguish this from what we believe constitutes true youth justice - a well-resourced ecosystem of community-based, trauma-informed and healing-centered responses to youth needs that create a pathway to opportunity, success and thriving for young people.
#JusticeIs

Grounded in **ABOLITION**... Realized with **PREVENTION**... Healing and **RESTORATIVE**... Endless **OPPORTUNITY** for growth... Achieving **EQUITY**.

#JusticeIs ours for the making.

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**Healing/trauma support, peace builders, housing for homeless youth, community centers, youth development resources, no more money given to probation.**

**More youth jobs, less youth in juvenile hall/camps.** Removing these until cases they call camps that is inhuman and suitable for young people

**Get rid of court-ordered debt.** Trauma informed care, houses for youth houselessness, job trainings for reentry, prison is inherently inhumane so make the candidates at least invisible

**Investments in our school system & trade programs.** I think that Arbitrary laws are policed badly and used as an excuse for incarceration. It's important that such laws are changed and ambiguity in policing is eliminated so police can't use them as an excuse to escalate.

**The use of more credible messengers.**

**The removal of police in schools & ban on suspension and expulsion.**

**Invest in more schools and supplies or after school programs.**

**More diversion for youth arrests, more resources for young people to do better.**

**No more GPS monitors.**

**More family-oriented programs OR community centers & less jail.**

**Access to mental health care.**

**Redistribute the funds that goes towards policing and add and build more youth centers for sports, arts, school work, etc.**

**More HOME LIKE residences (instead of jail) for high risk youth to learn discipline measures (structure), life skills, and these on personal level to curb impulsive decisions.**

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**Adequate, accessible public education, especially for young people.**

I feel like the justice system is not fair & they're not giving them kids the resources they need to stay out of trouble.

I would like to see more gym & recreation centers for the kids so they can stay out of trouble.

I also think that every kid should be set up with an mentor that actually cares for the struggle to guide them & make sure they don't fall back into the trap hole

**Substance abuse resources that actually helps youth.**

More homes built, youth-adult partnership. Youth involvement in mental health resources, education opportunities, support, abolishing youth incarceration, professional development.

**Preventative measures are important.** Mainly I think counseling, tutoring, and other educational programs for youth will make a big difference

**The system is punitive.** I would like to see rehabilitation for our youth.

**The criminal justice system is a gas, the criminal punishment system is real.** Raise the age of being tried as an adult to 21 years old. Abolish monetary fines and meaningless "community service".

Teen legal awareness is really important to me. I've seen youth get arrested for mistakes they didn't even realize constiluted a crime. Knowing the laws is important.

**Mental health resources**

Trauma-informed trainings for educators and community members

Educate youth, disadvantaged youth especially, on their rights and the "justice" system

**Expanding community alternatives**

Schools need to be safer environments for youth. Not a pipeline into the prison system.

**Invest in food, rec centers, schooling, public transportation**

**Mental health investments, power building**

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We believe in a world where young people thrive in well-resourced communities. A world where when young people inevitably make mistakes, they are held accountable for their actions in age appropriate ways that do not draw on our nation’s current system of policing and prisons.

This requires deep investments in historically disenfranchised communities, specifically Black, Brown, Indigenous, LGBTQIA+, and Disability communities.

It also requires a culture shift away from punishment and incarceration to one that values young people and views our collective duty as supporting young people in their development into adulthood. Below is a summary of how we can begin creating this reality for our nation’s youth.
Every Youth Should Have a Mentor

Youth need supportive and caring adults to curate their interests and connect them to opportunities to share their talents. Yet, many youth who come into contact with the legal system do not have access to these opportunities until after they are referred to the legal system. With earlier connections, we can drastically reduce youth referrals to the legal system. We recommend that:

- **Congress should** ensure access to mentors for all youth before demonstrating at-risk behaviors. Funding for mentoring should prioritize programs that are community-centered, culturally competent, and accessible to youth before legal involvement. To achieve this, we recommend focusing programming in schools and communities most systematically disenfranchised, with a percentage of funds reserved for schools with the highest percentage of referrals to the youth legal system.
  - Examples of successful programs: credible messengers, ALAS (Aspire) fellowship program.
- **State governments should** shift diversion-focused programming from carceral systems such as probation departments to community-based, culturally competent programming for youth and expand programs that build off of youth interests like music, art, and vocational training programs.
  - Examples of these efforts and programs include: L.A. Youth Uprising and Arts for Healing and Justice Network in California.
- **Localities and school districts should** cultivate community partnerships, creating a directory of mentoring opportunities for youth. Encourage school counselors to connect students with community mentors.
Access to Mental Health Resources

Young people’s mental health issues are often untreated, leading to behaviors for which they are criminalized. Furthermore, when youth have unaddressed mental health needs, they are often shamed for these symptoms, causing further discrimination and involvement with the legal system. We must focus on holistically aiding youth in their health and growth, particularly for youth who lack medical care and live in under-resourced communities. Secure residential treatment facilities and prisons are often used as a default response to provide mental health care, yet they often cause mental health issues to worsen. We know these facilities cause harm, are less effective than community-based programs, and cost more money. We must shift from punishing “problematic behaviors” and treat sources of behaviors such as trauma and untreated mental health issues. The below recommendations aim to support this shift:

• The federal government should:
  o Expand access to and invest in community-based preventative mental health services within schools and communities. These programs should include mental health education to reduce the stigma of these issues in Black, Brown, Indigenous, and other communities of color.
  o Review the use of federal funds for secure residential treatment facilities, ensuring that no funds are used to house youth at facilities with a history of child abuse, neglect, or inappropriate use of psychotropic drugs.
  o Strictly enforce the U.S. Supreme Court’s Olmstead decision so that youth with disabilities are served in the most integrated setting appropriate to their needs and wishes, and the Americans with Disabilities Act (ADA) to ensure that youth with disabilities can access care without being institutionalized.
  o Review reimbursement rates for community providers to increase access to and diversity of preventative care.

• States should:
  o Increase investments that support school- and community-based mental health services.
  o Reduce reliance on out-of-home treatment centers so young people can access services in their communities.
  o Expand insurance coverage and review reimbursement rates for community providers to increase access to and diversity of preventative care.

• Schools and localities should create school and community mental health resource centers to increase early access to preventative and trauma-informed mental health care.
  o Examples include Effective School Solutions community-based mental health centers where clinics are housed inside of the schools and meet with students during school hours to address any mental health needs.
  o Schools should invest in trauma-informed training for teachers, counselors, and other personnel to build robust student support infrastructures.
Reduce Police/Youth Interactions

Today’s youth are more heavily policed than in previous generations. This is true at school and in their communities, especially for communities of color and students in inner-city schools. These interactions increase the likelihood that youth, particularly Black, Brown, Indigenous, LGBTQIA+, and youth with disabilities, are referred to the legal system. Even when police do not arrest, they often ticket young people resulting in fines and fees that many don’t know they have or how to pay, often saddling them with debt and driving them deeper into the legal system. We must reduce police contact and expand alternatives. We recommend:

- **The federal government should** increase funding through a grant program for alternatives to policing in schools, with a percentage of funds reserved for school districts with the largest police presence. Such grant funding would allow interested school districts to invest in restorative justice, credible messengers, and peace builders in their schools, with the goal of increasing the evidence base behind these programs.

- **Congress should:**
  - Update the language in the Juvenile Justice Reauthorization Act to eliminate the valid court order exception, which pushes youth deeper into the legal system for minor infractions.
  - Create incentives for states to eliminate fines and fees.

- **States should** decriminalize status offenses that lead youth to come into contact with the law for things that are legal as adults (such as truancy, running away, and curfews), eliminate fines and fees, and establish high minimum ages of prosecution.
  - Responses to these age-appropriate behaviors should be individualized and focused on getting to the root cause of the behavior and meeting any underlying needs to ensure young people’s safety.

- **Localities and schools should:**
  - Increase partnerships with youth in their communities to evaluate their policing structures.
  - Teach students about the youth legal system and ensure all students know their legal rights.
  - Eliminate fines and fees for youth and provide alternative responses so young people do not get pulled deeper into the legal system for things such as traffic violations. Alternative responses may look like a referral to a safe driving program or auto repair facilities for things like broken tail lights.
  - Train school staff about the harms of criminalizing youth, the school-to-prison pipeline, and alternative responses to behaviors.
Restorative Care and Housing

Having experience with the legal system, we know our current facilities are not rehabilitative. Young people cannot be rehabilitated behind locked doors. To support youth on their path to successful adulthood in the community, we recommend:

- **The federal government should:**
  - Further divest funds from youth prisons in support of community-based programming that meets the needs of youth. The federal Office of Juvenile Justice and Delinquency Prevention’s current grant fund is a start, but Congress should allocate increased funding to ensure all states have access to sufficient funds.

- **States should:**
  - Prioritize housing youth with family and extended community members.
  - Ensure any group housing for youth focuses on developing youth skills and furthering their education. Arrangements should include opportunities for youth to grow their skills at community-based programs.
    - Example: Art 180 in Richmond, Virginia, allows youth committed to facilities to leave and complete an art program with Art 180.
  - Shift investments from prisons and residential facilities to culturally and linguistically appropriate community-based programs and mental health care services.

- **Localities and schools should** partner with any places housing youth to ensure programming is culturally and linguistically appropriate and that young people are actively growing community connections to ease their transitions home.
Youth Should Never Be Housed With Adults

Every parent knows that youth are not mini-adults, and research shows the brain doesn’t finish developing until the mid-20s. Yet our legal response to youth often treats them as adults - trying them in the adult legal system and housing them in adult correctional facilities where they are exposed to increased violence. Black and Brown youth suffer from this "adultification" the most. Research consistently tracks higher rates of adult charges for Black and Brown youth. This may be attributed to implicit bias and the perceptions of youth of color as being older than their actual age and thus more "deserving" of punishment.

• The federal government should:
  • The administration should actively push back on harmful narratives that result in overly punitive responses to Black and Brown youth and set guidance to reinforce that youth should not be tried as adults.
  • Congress should encourage states to raise the age at which youth are tried as adults to 21 by providing funding to states to implement programs to support and guide youth emerging into adulthood.
    ▪ States are leading the way in addressing the needs of emerging adults (youth up to 24 years old), with many states “rightsizing” their systems to prevent very young children from coming into contact with the law and tiering their system responses and programs to different age groups.

• States should raise the age for trying youth as adults to 21, without exceptions.
  • Examples of states leading the way: Vermont

• Localities and schools should help states support implementation by providing support and programming that meets the needs of emerging adults.
  • Example: Lone Star Justice Alliance
Creating Pipelines to Success

We believe creating a pipeline for youth to successful adulthood requires reimagining our definition of justice and making deep investments in historically disenfranchised communities to address the root causes. Still, we know many young people, particularly those from disenfranchised communities, are sent to detention centers, treatment facilities, youth prisons, and adult prisons every day. Research shows these facilities cause further harm to youth, requiring more supportive investments for youth when exiting facilities. To ensure all youth have the necessary opportunities to succeed, we recommend:

• The federal government should:
  ◦ Expand funding for credible messenger programs to ensure youth coming out of facilities are paired with a community member with first-hand knowledge of navigating the system and community in a way that supports their reentry.
  ◦ Increase federal financial aid for youth exiting the legal system to enroll in vocational and educational programs.
  ◦ Increase investments in affordable housing, with specific investments for youth transitioning out of carceral facilities.

• States should:
  ◦ Pass legislation to automatically seal and expunge youth legal records eliminating barriers to employment and education.
  ◦ Eliminate barriers for youth with legal involvement to apply for employment licensures.
  ◦ Connect youth to culturally and linguistically competent community-based programs that can assist in their transition.
  ◦ Ensure youth exiting the legal system have access to affordable medical, behavioral, and mental health services.
  ◦ Reassess laws requiring youth to pay restitution. While restitution aims to repair harm, given the barriers to youth employment for those with legal system involvement, young people often struggle to pay the costs causing them to go back into the legal system.
  ◦ Alternative approaches include allowing young people to perform actions to repair harm, rather than repaying funds, and expanding avenues for youth to earn funds towards restitution by eliminating barriers to employment.
  ◦ Young people should receive payment for labor performed while in facilities.

• Localities should:
  ◦ Invest in age-appropriate, supportive affordable housing to aid youth in transitioning to long-term housing.
How to Achieve Equity

Redesigning justice allows us to deconstruct harmful systems that are rooted in inequity and riddled with disparities for disenfranchised communities. We believe grounding our recommendations in abolition allows us to then invest in youth and communities to generate equity.

However, this can only be achieved with an explicit focus on anti-racism. You will note that many of the above recommendations intentionally target resources and investments to youth and communities most impacted by our current policing and legal system. This is critical to achieving an equitable justice system.

It also must be noted that policies alone are not enough to achieve equity. As we look to design a truly just system, we must also yield power to historically disenfranchised youth to voice their needs, request resources, and hold systems accountable for their treatment of young people. The final and most critical recommendation is to intentionally engage youth in developing policy responses that serve their needs.

Nothing About Us, Without Us.

We know there is a better way to serve young people and we know we can achieve this when we work together. Thank you for reviewing our recommendations and including them in your ongoing efforts to reduce our nation’s reliance on policing and prisons.

#JusticeIs Ours for the making.
The National Juvenile Justice Network leads a membership community of 60 state-based organizations and numerous individuals across 42 states and D.C. We all seek to shrink our youth justice systems and transform the remainder into systems that treat youth and families with dignity and humanity. Our work is premised on the fundamental understanding that our youth justice systems are inextricably bound with the systemic and structural racism that defines our society; as such we seek to change policy and practice through an anti-racist lens by building power with those who are most negatively affected by our justice systems, including young people, their families and all people of color. We also recognize that other vulnerable populations - including LGBTQIA+, those with disabilities and mental illness, girls and immigrants - are disparately and negatively impacted by our justice systems, and thus we also seek to center their concerns in our policy change work.

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Take Action Today

To help make our vision of justice a reality we are asking you to:

- Raise Awareness: Share this report on social media and let your friends know you support young people’s vision of justice.

- Donate to Youth Justice: Youth justice advocacy needs financial support from individuals who care about the safety, protection and future of all youth. Take action by donating to a youth justice advocacy organization in your state, one of the programs elevated by young people, or a national organization like NJJN.

- Stay Connected: Stay committed to youth justice by joining our email list at njjn.org and receive future news and action alerts.